



INVITATION TO TENDER

For

NHS Confederation: Trans allyship research

Date: August 2022

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About the NHS Confederation

The NHS Confederation is the membership body that brings together and speaks on behalf of organisations that plan, commission, and provide NHS services in England, Northern Ireland, and Wales. We represent hospitals, community and mental health providers, ambulance trusts, primary care networks, clinical commissioning groups and integrated care systems.

We have three roles:

- to be an influential system leader
- to represent our members with politicians, national bodies, the unions and in Europe
- and to support our members to continually improve care for patients and the public.

All our work is underpinned and driven by our vision of an empowered, healthy population supported by world-class health and care services, and our values of voice, openness, integrity, challenge, empowerment.

We represent the NHS as a whole and also have a number of networks to support our members in areas of specific concern to their part of the healthcare system.

We work closely with the government, parliament, and national stakeholders.

We provide an independent and robust critique of policy and act as an important conduit between policy makers and NHS leaders – helping to test proposals and assess their impact on front line services.

Legal Overview

The charity is a company limited by guarantee and was incorporated on 23 January 2002 (Charity number 1090329, Company Number 04358614).

The charity has a subsidiary called The NHS Confederation (Services) Company Limited incorporated as a company limited by guarantee (Company Number: 05252407).

Health and Care LGBTQ+ Leaders Network

The Health and Care LGBTQ+ Network was launched in June 2020. It is part of the NHS Confederation's equality, diversity and inclusion networks alongside the Health and Care Women Leaders Network and the BME Leadership Network.

Our mission is to transform the NHS to ensure that members of the LGBTQ+ community receive the best care, and work in an inclusive environment where they can thrive.

Our vision is to:

- build a social movement of people who are LGBTQ+ and their allies to who see themselves as having a leadership role in the NHS - to influence change from across the system
- work collaboratively to engage and activate our community, our allies, the wider NHS leadership and other organisation such as trade bodies, trade unions and voluntary organisations.

We work collaboratively to listen, share and engage with our community, our allies, peers, stakeholders, the wider NHS leadership and other organisations such as trade bodies, trades unions and voluntary organisations.

Scope of the work

As part of the 2020-2021 People Plan commitment to reducing inequality and recognising the increasing amount of bullying and harassment of trans staff, there is work to be done to build allyship at senior levels within the NHS. We also need to ensure there is confidence around what the law does and does not say, and that we are taking a more confident position in defence of the weathering and ongoing discrimination being experienced by trans and non-binary colleagues.

Stonewall's [LGBT in Britain – Trans Report](#) (2017) captured the experiences of more than 800 trans and non-binary people and found significant inequalities faced by trans, non-binary and intersex people in the workplace. The key findings from this included:

- One in eight (12%) trans employees had been physically attacked by a colleague or customer/patient in 2016/17
- Half of trans people (51%) had hidden their identity at work for fear of discrimination
- Two in ten trans people (41%) said that healthcare staff lacked understanding of specific trans health needs when accessing general healthcare services in 2016/17
- 7% of trans people said they had been refused care because they are LGBT, while trying to access healthcare services in 2016/17
- One in four (24%) feared discrimination from a healthcare service provider.

We are tendering for a piece of work that will act as a practical guide for senior healthcare leaders, equipping them with the knowledge and confidence to model meaningful trans and non-binary allyship. The guide should also include ideas for supporting NHS organisations when they face opposition from anti-trans groups and individuals.

We would like our research partner to conduct a review of the available trans inclusion resources and identify the gaps that exist, including a review into potentially updating the [trans practical guide for the NHS](#).

Based on this review, we would like a practical report produced that covers:

- Trans people and the law.
- Inclusive terminology.
- Key inequalities faced by trans people.
- Key challenges for leaders.
- Ways to support allies who face discrimination.
- Supportive HR policies.
- Responses to FOIs on trans policies.
- Adapting the existing Electronic Staff Record.
- Supportive policies for patient inclusion in healthcare settings (desirable to include if possible).

The report will include recommendations for future action, and be informed by the lived experiences and preferences of trans and non-binary staff and their representatives

Leaders should be able to use this report to guide decision making and development of policies for trans and non-binary staff within their organisations and/or systems. It should be applicable to NHS trusts, primary care providers, NHS-funded voluntary and independent organisations, integrated care systems and primary care networks.

Our support

We will:

- establish a task and finishing group (to include the NHS Staff Council)
- facilitate introductions with useful collaborators
- use our communications channels to promote engagement with the research.

Milestones

The anticipated project milestones are:

- Initial conversation with task and finish group to refine/confirm the scope of the review.
- Mixed methods approach to scoping out the issues faced by trans people including focus groups/interviews and surveys.
- A comprehensive review of the existing materials and resources for trans inclusion and identification of the gaps that exist.
- Final report with resources and actionable recommendations.

Timescales

We would like the work to begin by September 2022, and we would ideally launch this piece of work during LGBTQ+ History Month, February 2023.

Tender submission

Your tender submission should include the following:

Company information

- Briefly outline your values, structure, size and capabilities in general.
- Examples of similar tenders you have won and delivered.
- List two not for profit clients that we can contact for reference purposes (references will be taken up for firms shortlisted)
- Completion of the equalities questionnaire at schedule 1 (refer to guidance provided) – please highlight or delete as applicable).
- How your organisation is aligned with the values of the NHS Confederation – see Appendix 2.

Proposal for services

- A summary project plan which includes:
 - Proposed methodology and activities for completion of the work, including how you will meet the key requirements set out in the brief above.
 - Named individuals, including roles, who will be working on the project.
 - Timescale for delivery, including whether it will be possible to complete this project by January 2023.
 - Key risks and mitigating actions for the project.
 - Your reason for wishing to complete the work, and the unique benefit you will bring to this work.

Fee proposal

- The total budget is £20k (exclusive of VAT).
- Your tender should detail the fee for each separate element of the tender exclusive of VAT, being:
 - activities undertaken to deliver the work, including associated staff and non-staff costs to deliver these activities
 - other project costs not included in above.

Terms of engagement

You must share your terms and conditions with us as part of the tender submission.

Selection criteria

We will rank tenders on the basis of:

1. Your approach to the project, including proposed methodology.
2. Fit to requirements of the brief, including proposed outcomes.
3. Value for money and ability to meet timeline.
4. Your approach to identifying and managing risk.

5. Your approach to equality, diversity and inclusion.
6. Your unique value to deliver the project.

Tender interview panel

Network representatives who will sit on the tender interview panel will be:

- Dr Layla McCay, Director of Policy, NHS Confederation and Executive Lead, Health and Care LGBTQ+ Leaders Network
- Chris Truscott, Programme Manager, Health and Care LGBTQ+ Leaders Network

Key dates

Invitation to tender published	15 August
Tender documents to be received by COP	29 August
Confirmation of selection for shortlist	31 August
Interviews with selection panel (Online)	5-6 September
Organisation chosen	7 September
Contract negotiations complete and sign-off	14 September
Project start date	19 September

Instructions for the return of the tenders

Tenders should be submitted by email to contracting@nhsconfed.org and chris.truscott@nhsconfed.org

Tender ref: **TAR-AUG2022**

Tenders must be received by 5pm on Monday 29 August. Tenders received after this date will not be considered. Tenders must include the completed Equalities questionnaire found in Appendix 1.

It is incumbent on tenders to ensure they have all of the information required for the preparation of their tenders.

Further information about this tender can be obtained from:

Name	Chris Truscott
Title	Programme Manager

Phone number	07483 091 514
Email address	chris.truscott@nhsconfed.org

APPENDIX 1 - EQUALITIES QUESTIONNAIRE FOR COMPLETION

This questionnaire must be completed satisfactorily in order for any company to be considered to tender for this NHS Confederation contract. The NHS Confederation wants to meet the aims and commitments set out in its equality policy. This includes not discriminating under the Equality Act 2010.

1. Is it your policy as an employer and as a service provider to comply with your statutory obligations under the equality legislation, which applies to Great Britain, or equivalent legislation in the countries in which your firm employs staff?

Yes No

2. Accordingly, is it your practice not to discriminate directly or indirectly in breach of equality legislation which applies in Great Britain and legislation in the countries in which your firm employs staff:

• In relation to decisions to recruit, select, remunerate, train, transfer and promote employees?

Yes No

• In relation to delivering services?

Yes No

3. Do you have a written equality policy?

Yes No

4. Does your equality policy cover:

• Recruitment, selection, training, promotion, discipline and dismissal

Yes No

• Victimisation, discrimination and harassment making it clear that these are disciplinary offences

Yes No

• Identify the senior position for responsibility for the policy and its effective implementation

Yes No

5. Is your policy on equality set out:

- In documents available and communicated to employees, managers, recognised trade unions or other representative groups?

Yes No

- In recruitment advertisements or other literature?

Yes No

- In materials promoting your services?

Yes No

Please evidence all questions.

If you answered NO to any part of questions 4 or 5, can you provide (and if so, please do) other evidence to show how you promote equalities in employment and service delivery.

6. In the last three years, has any findings of unlawful discrimination been made against your firm by the Employment Tribunal, the Employment Appeal Tribunal or any other court or in comparable proceedings in any other jurisdiction?

Yes No

7. In the last three years, has any contract with your organisation been terminated on grounds of your failure to comply with:

- Legislation prohibiting discrimination; or

Yes No

- Contract conditions relating to equality in the provision of services

Yes No

8. In the last three years, has your firm been the subject of formal investigations by the Commission for Racial Equality, the Disability Rights Commission, The Equal Opportunities Commission or a comparable body, on grounds of alleged unlawful discrimination?

Yes No

9. If the answer to question 6 and 7 is YES, or, in relation to question 8, a finding adverse to your organisation has been made, what steps have you taken as a result of that finding? Please summarise the details below and provide full details as an attachment.

10. If you are not currently subject to UK employment law, please supply details of your experience in complying with equivalent legislation that is designed to eliminate discrimination and to promote equality of opportunity. List any attached documents.

Guidance in answering the equality questionnaire

When completing the questionnaire, all companies must answer each question fully and supply any documentary evidence requested. Failure to fully answer each question or failure to submit any documentary evidence required may lead the NHS Confederation to consider the answer unsatisfactory.

Question 1 and 2

If your firm has implemented an effective equality policy, you will be able to answer yes to these questions. You will be able to confirm your answers by submitting your equality policy and supporting evidence as for as part of this section.

Question 3 and 4

You will need to submit a copy of your firm's equality policy. You will need to ensure that your policy covers:

- Recruitment, selection, training, promotion, discipline and dismissal
- Victimisation, discrimination and harassment
- Identifies the senior position responsibly for the policy

Question 5

Documents available and method of communication to staff. You will be required to submit examples of any documents which explain your firm's policies in respect of recruitment, selection, remuneration, training and promotion outside of the equality policy asked for in Question 3 and 4.

You will also need evidence of how your firm has communicated this document to staff i.e. notice boards or issue individual employees with a copy. There is no prescribed evidence here. You will need to submit whatever documents your firm uses for these purposes.

With regards to recruitment advertisements or other literature, you will need to submit evidence that makes public your firm's commitment to equality in employment and service delivery.

Small firms may not have detailed procedures, but you must ensure that evidence is provided which demonstrates that personnel operate in accordance with a written equality policy that includes:

- Open recruitment practices such as using job centres and local newspapers to advertise vacancies
- Instructions about how the firm ensures that all job applicants are treated fairly.

With regards to material promoting your services, this relates to how your firm provides information in materials promoting your services e.g., in different languages, making information accessible to people with hearing and visual impairment and physical access for disabled users.

Question 6

This question's concern is whether any court or industrial tribunal has found your firm guilty of unlawful discrimination in the last three years. It is important to be honest with your answers. The NHS Confederation may check your responses. If the answer is yes, you may wish to insert additional information which details the actions your firm has undertaken to prevent a repeat occurrence.

Answering yes will not automatically mean that you do not get the contract; you need to ensure that the NHS Confederation feels confident that you have sufficient measures put in place to prevent a re-occurrence.

Question 7

This question's concern is whether your firm has ever had a contract terminated for noncompliance with equality legislation or equality contract conditions. If the answer is yes, your firm may wish to submit additional information will details the actions they have taken to prevent a repeat occurrence.

Question 8

This question asks whether your firm has had any investigation carried out, whatever the outcome. The NHS Confederation can check a contractor's answer from lists that the CRE and EOC produce, so please be honest. The NHS Confederation is aware that if a firm has been investigated, this does not mean that it is guilty of discrimination. The result of the investigation will be taken into account when assessing your firm's answers to the questionnaire.

Question 9

If your firm has been found guilty of unlawful discrimination, you will need to provide evidence that details the steps your firm has taken to correct the situation. The Court, Industrial Tribunal or CRE will have made recommendations about steps your firm should take to eliminate the discrimination. If no action or inadequate action has been taken in this respect, only then will your firm be considered refusal onto the tender list.

Question 10

If your firm is not subject to UK employment law, you must ensure that you supply details of equivalent legislation that you adhere to.

APPENDIX 2 – NHS CONFEDERATION VALUES AND THEIR DEFINITIONS FOR REFERENCE

Respect

We treat people with respect.

We recognise the diversity of views, and we listen to understand.

We believe in fairness and support one another to achieve our goals.

We demonstrate trust, respect and fairness at all levels of the organisation.

We have fair and respectful employment practices that provide individual support and nurture talent.

Inclusivity

We continuously strive to be a diverse organisation - we encourage different ideas, strengths, interests and experiences.

We have a genuine commitment to being an inclusive and welcoming employer and organisation.

Our staff should represent the NHS and wider population in terms of diversity.

All our staff feel they have a voice, are listened to and valued. We value everyone's contribution.

We respect different views and show this by listening and being authentic. We respectfully challenge back when needed.

Bold

We are innovative and creative, always striving to be our best.

We are courageous and confident when we need to respectfully challenge.

We are ambitious, aspiring to be the best in our work and encouraging it in others.

We are leading, influencing and represent our stakeholders and the NHS.

We speak for members and lead on their behalf.

Integrity

We are open in everything we do, say and role model.

We are honest with ourselves about where we need to improve.

We have pride in the work that we do, and we are proud to represent the NHS.

We are all accountable for our work and learn from our mistakes.

We have an honest and open culture.

Collaboration

We are all part of one organisation and work collaboratively with other teams.

We are a diverse organisation with a diverse membership and recognise and value each other's strengths.

We encourage internal collaboration to share ideas across teams and external collaboration to have impact across the wider NHS and our stakeholders.

We communicate respectfully and listen to the needs of our members and stakeholders.

We work together with our members and stakeholders to improve patient care.