Ending Domestic and Family Violence: Guidance for Government Buyers

Queensland Government Procurement

Queensland Government

Ending Domestic and Family Violence: Guidance for Government Buyers *v3.0*

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Contact us

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Table of Contents

Introduction 4

- Why is this guide being provided? 4
- Who is this guide for? 4
- What can be achieved through procurement? 4
- How do government buyers help prevent domestic and family violence? 4
- When should domestic and family violence clauses be used? 4

Incorporating domestic and family violence clauses in procurement documents 5

- Step 1 – Statement of intent 5
- Step 2 – Applying tender and contract clauses 5

Example Clauses 6

- 1: General acknowledgement 6
- 2A: Workplace initiatives – general provisions 7
- 2B: Workplace initiatives – detailed, supplementary provisions 7
- 3. Specific clause regarding the behaviour of supplier personnel 10

Managing adverse responses 11

Managing domestic and family violence contract requirements 11

Contacts 11

Introduction

Why is this guide being provided?

Recommendation 42 of the *Not Now, Not Ever report* identified that government procurement can play a role in supporting the Queensland Government's aim to end domestic and family violence.

In response, the Queensland Government has committed to considering workplace policies and practices aimed at ending domestic and family violence, as part of supplier evaluation and selection. This commitment is also reflected in the *Queensland Government Supplier Code of Conduct* which sets out expectations government has of businesses that want to sell their goods or services to the government.

Who is this guide for?

This guide is provided to help government buyers deliver on this role and is primarily concerned with process and practice associated with significant procurement. It provides guidance on how to consider workplace policies concerning domestic and family violence during the purchasing process. For the purpose of this guide, the term 'government buyers' refers to Queensland Government employees who purchase goods and services on behalf of government.

What can be achieved through procurement?

Each year the Queensland Government undertakes a significant number of procurement activities. A relatively small shift in government buying behaviour may therefore have enormous impact in strengthening Queensland communities and generating positive impact.

Procurement can raise awareness among suppliers about the important role workplaces play in changing the way communities think about, and respond to, domestic and family violence and employees affected by it. Furthermore, suppliers can play a role in guarding against work resources (such as email and phones) being used to carry out abuse.

How do government buyers help prevent domestic and family violence?

Buyers should present a consistent message promoting a zero tolerance of violence. Tender documents can state the government's preference to do business with socially responsible suppliers, particularly those with policies and practices that promote respectful, safe, supportive and equitable workplace cultures.

Tender clauses can also ask potential suppliers to describe workplace strategies, policies and practices that help end and prevent domestic and family violence and support employees affected by it.

This guide provides several example clauses for tender documents, guidance on how buyers could evaluate supplier responses, and example clauses for resulting contracts.

Whilst the Queensland Procurement Policy 2023 clause 29 specifies that invitation documentation must reference a commitment to prevent and end domestic and family violence, for significant procurement, there is no policy requirement to apply either a minimum or maximum weighting to tender clauses. Where a weighting is to be used, it will need to be decided on a case-by-case basis relative to the procurement context and other evaluation criteria.

When should domestic and family violence clauses be used?

The use domestic and family violence clauses should be determined by the size of the supplier, along with the value and risk of the procurement. For example, while it may be unrealistic to expect small businesses to have sophisticated workplace strategies, policies and practices regarding domestic and family violence, even small businesses can implement simple approaches to demonstrating a zero tolerance of domestic and family violence as well as support for affected employees.

Incorporating domestic and family violence clauses in procurement documents

Step 1 – Statement of intent

It is recommended government buyers include a statement (for example, within tender specifications or objectives) expressing what the government is looking for from suppliers. For example:

> The Queensland Government is committed to ending domestic and family violence. Through its response to the *Not Now, Not Ever* report, government recognised that addressing domestic and family violence requires a whole of community coordinated response. This means not just government, but also businesses, community groups and every individual taking responsibility for creating cultural change.

Step 2 – Applying tender and contract clauses

Column one of the tables below lists example clauses that can be used, or adapted for use, in tender documents. These range from simple questions through to more complex questions. The type of tender clause used depends on a range of factors, including the capability and maturity of potential suppliers and any particular outcome that government buyers are trying to advance.

The column, 'How would this be evaluated?' provides guidance on how to assess supplier responses against each question.

The third column (where appropriate) provides example contract clauses. If inserting such a clause government buyers will also need to monitor supplier compliance, for example, by applying key performance indicators or standard contract management processes. If a supplier fails to comply, consideration may be given to possible suspension or termination actions as contained with the contract's terms and conditions.

Note: The procuring government agency is referred to as the 'Customer' in the following tables. Other terms which are capitalised are defined under the standard terms and conditions. These clauses are provided as examples, they may need rewording to ensure consistency with specific agency or category terms and conditions. Buyers are encouraged to seek procurement and legal review in accordance with their agency procurement processes.

Example Clauses

1: General acknowledgement

When would these provisions be suitable?

- ✓ used broadly to raise awareness of the government's commitment to prevent and end domestic and family
- ✓ violence procurements aimed at small businesses, or low value procurements.
- ✓

Response question	How would this be evaluated?
Does your organisation have a zero tolerance to domestic and family violence? Does your organisation have a workplace response supporting employees affected by domestic and family violence? Does your organisation have a workplace approach to preventing or addressing domestic and family violence?	These questions require a 'yes/no' response. In the event of a 'No' response, evaluators may wish to seek advice as to whether the offer should be set aside from further consideration. To do this, the evaluation plan must have been written in a way that allows for this to occur. Care should be taken in preparing the evaluation plan accordingly.

2A: Workplace initiatives – general provisions

These provisions are high-level and broad in nature. They give suppliers the opportunity to respond generally.

When would these provisions be suitable?

- ✓ procurements aimed at medium to large businesses significant procurements
- ✓ setting up common-use supply arrangements, including Standing Offer
- ✓ Arrangements.

Response question	How would this be evaluated?	Clause for inclusion in a resulting contract
Describe any formal policies, strategies, and practices your organisation has in place aimed at preventing or addressing domestic and family violence? *Or…* What is your organisation doing in the workplace and/or the broader community, to create a zero tolerance to violence, including domestic and family violence?	Things to look for include: • Leadership commitment statements addressing issues relating to preventing or ending domestic and family violence. • Provision of information, education programs, or other resources to employees to understand what constitutes domestic and family violence and how to support affected employees. • Support options, such as employee assistance programs. • Workplace partnerships, with organisations such as Challenge DV, employee assistance providers, a DFV organization.	The Supplier will keep relevant policies, strategies and practices up to date: • fostering respectful, safe, supportive and equitable workplace cultures • helping prevent or end domestic and family violence

2B: Workplace initiatives – detailed, supplementary provisions

When would these provisions be suitable?

- ✓ these provisions are more targeted and designed to solicit specific responses from suppliers
- ✓ they can be used in addition to, or instead of, the above general provisions.

Response question	How would this be evaluated?	Clause for inclusion in a resulting contract
Workplace policy for employees Does your organisation have in place a policy, practice, or similar instrument, designed to support	The copy of the policy / practice / instrument should be reviewed. Key elements to look for include: • Leave entitlement for employees affected by domestic or family violence.	The Supplier will keep its workplace policy / practice / instrument regarding domestic and family violence up to date. The Customer may, at its discretion, request the Supplier to provide a copy of

Response question	How would this be evaluated?	Clause for inclusion in a resulting contract
employees who may be affected by domestic and family violence? If yes, please provide a copy of your organisation's policy / practice / instrument.	• Provisions safeguarding employee confidentiality and disclosure. • Provisions to safeguard employees in the workplace affected by domestic and family violence (e.g. increased security, changes to work email address and phone number). • Other support mechanisms for employees, such as provisions regarding work performance and attendance, flexible work arrangements, minimising requirements for supporting documentation, and counselling support services. Officers requiring further assistance in evaluating policies can also refer to the Queensland Government workplace package for domestic and family violence for guidance.	this policy / practice / instrument at any time during the term of this Contract.
Workplace education and awareness Does your organisation have in place a formalised training or awareness strategy for employees relating to preventing and ending domestic and family violence or the promotion of respectful, safe, supportive, and equitable workplace cultures? If yes, please provide supporting information and copies of any relevant materials in evidence of this.	Key elements to look for include: • Evidence of periodic training / awareness sessions for all employees. • Supporting information resources, such as fact sheets, for employees.	The Supplier shall maintain its <<insert name of strategy>> for the term of this Contract. The Supplier is to notify the Customer, in writing, within ten (10) business days should it cease this strategy.

Support and referral services for managers Does your organisation provide guidance, training, support or referral services to assist managers in dealing with employees who may be affected by domestic and family violence?	Key things to look for include policies, guidelines, training or other resources that are designed to assist and guide managers in dealing with employees who may be affected by domestic and family violence. This can include guidance for managers on how to have conversations with employees who they suspect may be subject to domestic and family violence.	The Supplier shall maintain its <<insert name of the strategy, support and referral services>> for the term of this Contract. The Supplier is to notify the Customer, in writing, within ten (10) business days should it cease to provide these services to managers within its organisation.
Response question	**How would this be evaluated?**	**Clause for inclusion in a resulting contract**
If yes, please provide supporting information and copies of any relevant materials in evidence of this.	Officers requiring further assistance in evaluating policies can also refer to the Queensland Government workplace package for domestic and family violence for guidance.	
Employee counselling and assistance services Does your organisation offer employees access to a counselling service or another similar employee assistance program?	This is a 'yes/no' response.	The Supplier shall maintain its <<insert name of the counselling service/ assistance program>> for the term of this Contract. The Supplier is to notify the Customer, in writing, within ten (10) business days should it cease to provide the <<service/ program>> to employees within its organisation.
Leadership commitment to action Has the senior leadership of your organisation undertaken action to champion change as part of helping to prevent and end domestic and family violence? Please provide evidence to support any response.	Key things to look for include: • Leadership commitment statements regarding preventing and ending domestic and family violence. • Evidence that senior leadership has taken steps to raise awareness and champion change (e.g. through organisation wide communications and events). • Evidence that senior leadership has taken tangible action to help prevent and end domestic and family violence within the organisation (e.g. through implementing workplace policies, strategies, practices).	The Supplier shall maintain its <<insert name leadership commitment>> for the term of this Contract. The Supplier is to notify the Customer, in writing, within ten (10) business days should it cease to provide the <<leadership commitment>> within its organisation

3. Specific clause regarding the behaviour of supplier personnel

When would these provisions be suitable?

✓ where a supplier will have personnel working on government premises under a contract.

Response question	How would this be evaluated?	Considerations / Clauses for inclusion in a resulting contract
Behaviour of supplier personnel Does your organisation agree that your personnel will, at all times, in performing services under the Contract on the Customer's premises, comply with the Customer's instructions, policies, codes of conduct, procedures and guidelines regarding workplace behaviour?	This is a 'yes/no' response.	Some standard terms and conditions contain a clause allowing the Customer to reasonably request that the Supplier remove any particular Personnel. Such a clause may be able to be exercised in situations where supplier personnel fail to meet behavioural standards. If the terms and conditions used do not contain such a provision, consider including such a clause. For example, refer to clause 8.2(c) Comprehensive Contract conditions[1].

[1] Available online at http://www.hpw.qld.gov.au/SiteCollectionDocuments/ComprehensiveContractConditions.pdf.

Managing adverse responses

In the event of a 'No' or adverse response to questions in tender documents, evaluators may wish to seek advice as to whether the offer should be set aside from further consideration. To do this, the evaluation plan must have been written in a way that allows for this to occur.

New or revised evaluation criteria should never be introduced during the evaluation stage. Decide if you plan to set aside adverse responses from further consideration and be sure to address this in the evaluation plan.

Clauses aimed at preventing and ending domestic and family violence, which have been assigned a weighting, should be treated and scored in accordance with the evaluation plan and in line with other weighted requirements.

If an evaluator or contract manager becomes aware of supplier personnel who have a relevant, recent conviction, advice should be sought from within your agency.

For further information on evaluating offers please see our guide.

Managing domestic and family violence contract requirements

Contract requirements aimed at preventing and ending domestic and family violence should be monitored and managed regularly in the same way as other contract expectations such as quality and costs.

Suppliers may need support or guidance during the life of the contract.

Contacts

Queensland Government Procurement – Policy is committed to continuous improvement. If you have any suggestions about how we can improve this guide, please send your ideas to - socialprocurement.epw.qld.gov.au

Agencies can contact the Queensland Government Procurement Compliance Branch if they are unsure how to handle a compliance matter.

- Email: QPPCompliance@epw.qld.gov.au
- Free call: 1300 10 50 30, option 1 (9am to 5pm Monday to Friday).