

Ethical Procurement Policy

January 2026

Table of Contents

1	Introduction.....	1
2	Legal Context.....	1
3	Modern Slavery.....	3
4	Professional Standards.....	4
5	Ethical Code of Conduct for Suppliers.....	4
6	Reporting and Whistleblowing.....	5
7	Review Process.....	5

1 Introduction

Kirklees Council is committed to conducting its commercial activities with integrity, transparency and fairness. Ethical principles, accountability and responsible conduct are embedded at the core of its procurement practices, with the Council leveraging its purchasing power to deliver meaningful socio-economic and environmental improvements for residents and the wider community.

Ethical behaviour is fundamental to achieving this and the Council expects its suppliers and partners to uphold similar values and demonstrate a commitment to ethical standards. This policy outlines the measures and initiatives the Council utilises to promote ethical procurement and should be read alongside the [Council's Social Value Policy](#).

This policy sets out the approaches and resources the Council uses to ensure its procurements and contracts are conducted in an ethical way. These should be applied in a manner that is specific, appropriate and proportionate, as determined by the team responsible for overseeing each procurement or contract.

2 Legal context

Throughout its procurement processes, the Council has a duty to comply with all relevant procurement legislation, including but not limited to:

- The Procurement Act 2023 (“the Regulations”)
- The Health Care Services (Provider Selection Regime) Regulations 2023
- The Public Contracts Regulations 2015

The Regulations, which came into effect on 24 February 2025, establish a framework of overarching principles to guide the awarding of public contracts. These include a commitment to treating suppliers equally, except where justified differences warrant alternative treatment. Procuring authorities must take reasonable steps to ensure that no supplier is unfairly advantaged or disadvantaged and must consistently demonstrate integrity throughout the process. These principles form the operational foundation for conducting procurement procedures that exceed defined financial thresholds

They mandate that organisations should be excluded from procurement exercises; where they have been found guilty and received a conviction for one (or more) of the following types of offences within a five year period prior to the procurement procedure:

- Bribery and Corruption
- Money Laundering
- Modern Slavery and Human Trafficking
- Fraud
- Terrorism
- Criminal conduct
- Certain tax offences and cartel infringements

The Regulations also provide for discretionary grounds to disqualify organisations in certain situations, unless there is satisfactory evidence of “self-cleaning” to demonstrate the measures taken by the organisation and validate its reliability despite the existence of the relevant ground. These discretionary grounds include:

- Bankruptcy
- Grave professional misconduct (includes dishonesty, impropriety, serious breach of ethical/professional standards). This ground applies if a court, regulator or other authority has ruled that the supplier has engaged in such professional misconduct.
- Distortion of competition
- Conflicts of interest
- Misrepresentation and undue influence

Before the new Regulations came into effect, the Public Contracts Regulations 2015 outlined similar exclusion criteria, which continue to apply when engaging with public sector framework agreements established prior to February 2025.

Where a tenderer’s response gives rise to mandatory or discretionary grounds for exclusion, the Council may exclude that tenderer from further participation in the process.

The Council must operate within the framework of procurement legislation, which prohibits the adoption of policies that intentionally exclude suppliers based on their involvement in specific geopolitical issues. As such, any discretionary exclusion grounds must be assessed and applied with care, on a case-by-case basis and in full alignment with the relevant Regulations

Local Authorities must adhere to procurement law unless explicitly directed otherwise by the Government, such direction may come through a Procurement Policy Note (PPN), a legislative amendment or the formal addition of a supplier to the debarment list. These considerations are particularly important when conducting a covered procurement under the Regulations.

Under the Regulations, the Debarment Review Service (DRS) investigates suppliers on behalf of a Minister to determine whether exclusion criteria are met. Where appropriate, suppliers may be added to the publicly accessible debarment list, which prohibits their participation in public procurement due to previous misconduct or risk. This process is overseen by the Procurement Review Unit (PRU), with final decisions made by a Minister of the Crown.

It is therefore essential that the Council remains vigilant by routinely consulting the debarment list during supplier selection and ensuring that all procurement activity reflects the most current guidance and PPNs. This approach not only ensures legal compliance but also reinforces the Council’s commitment to ethical, fair, and transparent procurement practices.

In accordance with procurement legislation, the Council retains the discretion to incorporate ethical procurement questions during the conditions of participation stage for above-threshold procurements and within suitability assessment for those below threshold. Where relevant to the nature of the procurement, this may include additional queries relating to Health and Safety compliance, Modern Slavery and Safeguarding.

Furthermore, the Council reserves the right to exclude a tenderer from further consideration if they do not meet the required standards or fail to provide an adequate response to any ‘mandatory’ or pass/fail question, which may include adherence to the Kirklees Ethical Code of Conduct for Suppliers.

As a Contracting Authority, the Council has the discretion to exclude a supplier from a covered procurement. In doing so, the Council must consider the objectives outlined in Section 12 of the Procurement Act, including delivering value for money, maximising public benefit, promoting transparency, and acting with integrity.

More broadly, the Council must assess the risks posed by the misconduct or non-compliance and weigh them against the public interest in allowing the supplier to participate. A blanket approach to exclusion is not permitted; each case must be evaluated on its own merits, considering the specific procurement context and all relevant factors.

3 Modern slavery

Modern slavery refers to the abuse and exploitation of individuals, adults or children, through practices such as:

- Forced labour and labour exploitation
- Sexual exploitation
- Criminal exploitation (e.g. county lines, cuckooing, organised crime)
- Human trafficking
- Domestic servitude and coercive control
- Other forms of exploitation, including forced marriage, illegal or forced adoption, forced begging, benefit fraud, and organ removal

The Council firmly opposes all forms of modern slavery and remains committed to tackling it both within the district and throughout its supply chain. The Council upholds the fundamental right of every individual to live, work, and associate freely. This commitment is reinforced by its adoption of the [Cooperative Council's Charter Against Modern Slavery](#), which goes beyond current legal requirements by obligating councils to actively scrutinise their supply chains to prevent any occurrence of modern slavery.

The Procurement Team has undertaken comprehensive training on modern slavery, including the Chartered Institute of Procurement and Supply (CIPS) online course in Ethical Procurement and Supply, as well as the Government Commercial College's online training on Tackling Modern Slavery in Supply Chains.

As part of its due diligence, the team rigorously assesses any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery

In addition, the Council undertakes modern slavery risk assessments for all procurement projects led by the Procurement Team, guided by best practice from Crown Commercial Services (CCS). These assessments help identify sector-specific risks and ensure that appropriate safeguards are embedded within specifications and contract terms to mitigate potential harm.

During the pre-procurement phase, particular attention is given to sectors identified as high risk for modern slavery. Where appropriate, the Council includes enhanced specification requirements, method statement questions and strengthened contract clauses. These measures enable bidders to demonstrate their approach to preventing modern slavery within their own supply chains and ensure ongoing compliance throughout the contract term.

4 Professional standards

Kirklees Council takes pride in delivering high quality, professional procurement services. Several Officers within the Council's Procurement Team are qualified members of their professional body, the Chartered Institute for Procurement and Supply (CIPS). The CIPS qualification is considered to provide the ideal training for procurement professionals of all levels and is accredited by the organisation that promotes and protects the high standards of the sector.

As a member of CIPS, Officers are required to adhere to the CIPS Code of Conduct which defines a range of ethical behaviours and actions which must be maintained and promoted across all organisations they engage with. This includes:

- Enhancing and protecting the standing of the profession;
- Maintaining the highest standard of integrity in all business relationships;
- Promoting the eradication of unethical business practices;
- Enhancing the proficiency and stature of the profession; and
- Ensuring full compliance with laws and regulations.

To strengthen professional standards, the Council will aim to ensure that, where appropriate, a greater number of Procurement Team members involved in procurement hold or are working towards the relevant professional qualification

Additionally, all Council staff engaged in procurement and contract management are expected to take full responsibility for their actions and adhere to the Kirklees Employee Handbook. This handbook sets out the standards of behaviour expected of all employees, including guidance on the appropriate handling of gifts and hospitality.

5 Ethical code of conduct for suppliers

This Code applies to suppliers and individuals acting on behalf of the Council, whether directly or through subcontracted arrangements for contracts valued over £25,000 (excluding VAT), where the procurement commenced from January 2026. Compliance with the Code is a mandatory condition of engagement with the Council.

Upholding the ethical standards set out in this Code is a shared responsibility across the entire supply chain.

The Code sets out the ethical principles and behavioural expectations that all suppliers are required to follow.

From January 2026, as part of the procurement process, all bidding organisations must confirm their commitment to comply with the Kirklees Ethical Code of Conduct for Suppliers if awarded a contract.

Where the Council accesses Framework Agreements that have been put in place by other Public Sector organisations, the Code should be integrated within the call off contract.

6 Reporting and whistleblowing

All Council staff must report unethical behaviour, legal breaches or suspected modern slavery through the Whistleblowing Policy.

Supplier and subcontractor staff may raise concerns directly with the Council, with confidentiality respected.

The public can also report issues via the Council's public whistleblowing process.

All reports are fully investigated, and appropriate action taken. This may include disciplinary steps or ending supplier relationships.

7 Review process

The Council will review this policy annually to ensure it remains a live and up to date document.

Version	Summary	Date	Approval
1	New document	January 2026	Cabinet (2/12/25)