



ADVANCE PUBLICATION OF REPORTS

This publication gives five clear working days' notice of the decisions listed below.

These decisions are due to be signed by individual Cabinet Members
and operational key decision makers.

Once signed all decisions will be published on the Council's
Publication of Decisions List.

- 1. REPORT FOR THE AWARD OF A CONTRACT FOR THE MECHANICAL AND ELECTRICAL SERVICING (HOUSING COMPLIANCE) (Pages 1 - 38)**
- 2. EXTENSION OF THE COUNCIL'S DYNAMIC PURCHASING SYSTEM FOR PEOPLE WITH LEARNING DISABILITIES (Pages 39 - 66)**

This page is intentionally left blank



London Borough of Enfield

Title of Report:	Report for the Award of a Contract for the Mechanical and Electrical Servicing (Housing Compliance)
Report to:	Executive Director Housing Regeneration Development: Sarah Cary
Date of Report:	28th July 2023
Directors:	Executive Director Housing Regeneration Development: Sarah Cary Director of Housing and Regeneration: Joanne Drew
Report Author:	Acting Investment and Resident Safety Director: Paul O'Donnell
Ward(s) affected:	All
Key Decision Number	KD5638
Implementation date, if not called in:	21 August 2023
Classification:	Part 1 & 2 (Para 3)

Purpose of Report

1. To obtain approval to award a Contract for the Mechanical and Electrical Servicing (Housing Compliance)

Recommendations

- I. That approval be given to award and enter into a contact with “Contractor A” for Mechanical and Electrical Servicing (Housing Compliance) for up to 8 years for contract price detailed in the confidential appendix.
- II. That approval be given for the total budget including the contract price, the contingency sum, inflationary allowance and staff costs detailed in the confidential appendix

Background and Options

2. As a landlord the council has statutory compliance responsibilities including both communal and domestic servicing requirements. This contract covers the communal servicing responsibilities detailed below:
 - Communal Fire Alarm Servicing
 - Emergency Lighting Servicing
 - Building Evaluation Alert System Servicing
 - Automatic Opening Vent (AOV) Servicing
 - Riser Servicing
 - Automatic Water Fire Suppression System (Sprinklers) Servicing
 - Communal Electrical Testing
 - Lightning Protection Servicing
 - Mechanical Gate Servicing
 - Door Entry Servicing
 - Communal Extract Servicing
 - Fall Arrest Systems Servicing
 - Schedule of Rates for related services
 - Quotation mechanism for remedial repairs.
3. This contract inspects the elements, confirms compliance or identifies remedial actions which are either resolved onsite or referred to the council for remedial action. These actions are addressed and safety is maintained in council housing blocks.
4. The contract delivers services to communal areas of blocks with leaseholders and therefore the section 20 process applies. This report authorises the award of this contract subject to the Section 20 observation period, any relevant observations following leaseholder notices will be referred to the decision maker of this report ahead of contact award.

5. The pre-tender estimate for these services was over the Public Contract Regulation (PCR) threshold, a restricted procurement process have been undertaken in line with these regulations.
6. Tenders were issued via the London Tenders Portal (LTP) Project Information Ref – DN538928 to the open market. The process includes two stages, Supplier Qualification Questionnaire (SQQ) which shortlists 5 bidders, who are the invited to Tender at Invitation to Tender (ITT) stage. Three bidders returned a tender.
7. The tenders were evaluated based on a quality/cost split of 60/40.
8. The form of contract will be JCT Measured Term Contract (MTC), which has been tendered on a schedule of rates to allow flexibility increase of decrease volumes as stock levels change

Preferred Option and Reasons for Preferred Option

9. Consideration was given to delivering domestic electrical and fire alarm servicing through this contract, however this was discounted due to the concerns of whether a single contract could deliver the significant additional volume of 10,400 inspections and the increased impact non-delivery would have to the council.
10. It was considered whether this contract should be split geographically to award 2 contracts in the borough, however this was discounted to ensure the contract size was desirable to the market and the volume of work could ensure borough presence.
11. In terms of procurement options there were three main routes for consideration:
 - a) Use of a suitable consortia framework agreement, with appointment via direct award or mini tender.
 - b) Unilateral tendering utilising the open process.
 - c) Unilateral tendering utilising the restricted process.
12. Using a framework can save time and money, while still delivering a service specified to local requirements. Under this route contractors are assessed for suitability prior to joining the framework and have signed up to pre-agreed terms and conditions. Standard documentation is also provided as well as support from the framework itself. However, the section 20 implications of the framework with the range of servicing requirements in this contract mean that it has not been possible to find a compliant framework.
13. Tendering a contract allows clients to create bespoke documentation designed to fit its requirements. This approach also opens the opportunity to tender to a wider group of bidders however is more costly and time consuming. In this instance it was required as the requirement is over the PCR threshold.

14. The options of open and restricted processes are either a two stage or an open stage process. Both the open and restricted process are initially open to the whole market, with the restricted process having two stages where all interested bidders submit a SSQ and are shortlisted before being invited to tender. The restricted process was chosen as it minimises the resources required in the evaluation process as ITT submissions are limited as defined in the ITT.
15. Tendering a contract using the JCT Measured Term Contract is the preferred approach as this allows the council to flex the quantities of each services ordered according to the changes in the number of homes over the 8-year term.

Relevance to Council Plans and Strategies

16. The contract will support the following objectives from the Council Plan:
 - a. **More and better homes:** the programme will improve the quality and safety of existing homes and therefore positively impact on the wellbeing and quality of life for our residents.
 - b. **Sustain healthy and safe communities:** improving the existing homes where people desire to live will help to create and maintain healthy and confident communities.
 - c. **An economy that works for everyone:** ensuring residents can fully participate in activities within their neighbourhood.

Financial Implications

17. This report is requesting for approval to award and enter into a contract with "Contractor A" for the Mechanical and Electrical Servicing works (Housing Compliance)
18. To approve a total estimated budget of £4.5m which includes contingency at 10% of the contract.
19. The full implications of the project can be found in the confidential appendix

Legal Implications

20. The Council has the power under section 1(1) Localism Act 2011 to do anything individuals generally may do providing it is not prohibited by legislation and subject to Public Law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power as recommended in this report. The Council has the power to alter, repair or improve its housing stock in accordance with section 9 of the Housing Act 1985. Further, under section 11 of the Landlord & Tenant Act 1985 the Council has repairing obligations in respect of properties which are occupied by its tenants and these obligations cover structure, the exterior including drains, gutters, external pipes, installations in homes including water, gas, electricity and sanitation. Under section 111 Local

Government Act 1972 local authorities may do anything, including incurring expenditure or borrowing which is calculated to facilitate or is conducive or incidental to the discharge of their functions. The recommendations in this report are in accordance with these powers.

21. The contract is a mixed contract (public services contract and public works contract) for which the main subject matter is the provision of services and consequently classified as a public services contract. The estimated value of the contract is above the threshold for public services contracts under the Public Contracts Regulations 2015 (PCR 2015) and the procurement was carried out in accordance with the PCR 2015. In addition to compliance with the PCR 2015, the Council must ensure that it complies with its Constitution, in particular, the Contract Procedure Rules.
22. The contracts must be in a form approved by Legal Services on behalf of the Director of Law and Governance and must be executed under seal.
23. The Contract Procedure Rules require that where a contract is awarded with a value of £1 million or over (as is the case here), the contractor must be required to provide 'sufficient security' as defined in CPR Rule 7.3 (such as a performance bond or a parent company guarantee). Evidence of the form of security required, or why no security was required, must be stored and retained on the E-Tendering Portal for audit purposes. If this requirement is waived, then the Executive Director of Resources must approve the financial risk prior to any award, and this report must set out the reasons for the waiver and what measures are to be taken to manage the risk.
24. The Key Decision process under the Constitution must be followed as the contract value is above the Key Decision threshold of £500,000.

Equalities Implications

25. An Equality Impact Assessment has been undertaken and appended to this report.
26. The works will be delivered boroughwide to various communal areas and will benefit residents irrespective of the protected characteristics of the residents.
27. Access may be required via properties to access communal loft spaces. The successful contractor will be required to ensure all operatives will be fully briefed in line with the council's safeguarding policy. The terms and conditions of the contract will require adherence with the Equalities Act and contractors will be required to share their Equality Diversity and Inclusion policy to assure the council of their recruitment policies.
28. Engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison which were evaluated as part of their tender submission which will be

adapted according to the profile of the resident e.g. vulnerability, language spoken.

Environmental and Climate Change Implications

29. The Contractors' offer includes several environmental commitments that will be delivered to the Council including related to waste management, recycling and carbon reduction. Contractors will use local suppliers where possible to minimise the carbon footprint of deliveries.

Public Health Implications

30. The works will improve the living conditions of those residents that receive works. This aligns with the provisions of the Enfield Joint Health and Wellbeing Strategy, which refers to the importance of housing quality as a determinant of health.
31. The contractors will be completing works in-line with the government's Covid Secure and CLC guidelines. They are required to provide a detailed method statement and risk assessment for each activity and the Council, and its advisors will review and comment on these prior to the commencement of works.

Safeguarding Implications

32. The works will require Contractors to enter resident's homes and therefore the Contract Documents require Disclosure & Barring Services (DBS) and adherence with the Council's Safeguarding Policy.
33. In addition to the above the Contractor is required to provide a dedicated Resident Liaison Officer (RLO) whose role is to ensure that residents needs are reflected in the processes adopted by the Contractors. Evaluation of the Contractors offer in this area are a component of the qualitative evaluation.

Procurement Implications

34. The procurement was undertaken using the London Tenders Portal (DN538928) using the Find a Tender Service. The procurement was carried out on behalf of the Council by Echelon Consultancy Limited.
35. As the procurement was undertaken by Echelon Consultancy Limited, it was not led by Procurement Services. Ultimate accountability for compliance lies with Echelon Consultancy Limited.
36. As the contract is over £500k the service must ensure that sufficient security has been considered to manage risk.
37. The service must ensure that authority to procure has been obtained and must be uploaded onto the London Tenders Portal.

38. The procurement and award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of the executed contract must be undertaken on the London Tenders Portal including future management of the contract.
39. The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.

Report Author: Paul O'Donnell
Acting Investment and Resident Safety Director
Paul.O'Donnell@enfield.gov.uk

Appendices: Appendix 1: Restricted Appendix (Confidential)
Appendix 2: Equality Impact Assessment
Appendix 3: Gateway 3 Procurement Assurance Group
(Confidential)

Background Papers

None

This page is intentionally left blank

Enfield Equality Impact Assessment (EqIA)

Introduction

The purpose of an Equality Impact Assessment (EqIA) is to help Enfield Council make sure it does not discriminate against service users, residents and staff, and that we promote equality where possible. Completing the assessment is a way to make sure everyone involved in a decision or activity thinks carefully about the likely impact of their work and that we take appropriate action in response to this analysis.

The EqIA provides a way to systematically assess and record the likely equality impact of an activity, policy, strategy, budget change or any other decision.

The assessment helps us to focus on the impact on people who share one of the different nine protected characteristics as defined by the Equality Act 2010 as well as on people who are disadvantaged due to socio-economic factors. The assessment involves anticipating the consequences of the activity or decision on different groups of people and making sure that:

- unlawful discrimination is eliminated
- opportunities for advancing equal opportunities are maximised
- opportunities for fostering good relations are maximised.

The EqIA is carried out by completing this form. To complete it you will need to:

- use local or national research which relates to how the activity/ policy/ strategy/ budget change or decision being made may impact on different people in different ways based on their protected characteristic or socio-economic status;
- where possible, analyse any equality data we have on the people in Enfield who will be affected eg equality data on service users and/or equality data on the Enfield population;
- refer to the engagement and/ or consultation you have carried out with stakeholders, including the community and/or voluntary and community sector groups you consulted and their views. Consider what this engagement showed us about the likely impact of the activity/ policy/ strategy/ budget change or decision on different groups.

The results of the EqIA should be used to inform the proposal/ recommended decision and changes should be made to the proposal/ recommended decision as a result of the assessment where required. Any ongoing/ future mitigating actions required should be set out in the action plan at the end of the assessment.

Section 1 – Equality analysis details

Title of service activity / policy/ strategy/ budget change/ decision that you are assessing	To award a contract for Mechanical and Electrical Servicing
Team/ Department	Compliance – Council Housing – Housing Regeneration Development
Executive Director	Sarah Cary
Cabinet Member	Cllr Savva
Author(s) name(s) and contact details	Paul O'Donnell
Committee name and date of decision	N/A

Date the EqIA was reviewed by the Corporate Strategy Service	30.06.2023
Name of Head of Service responsible for implementing the EqIA actions (if any)	Ayfer Chol – Head of Compliance
Name of Director who has approved the EqIA	Paul O'Donnell

The completed EqIA should be included as an appendix to relevant EMT/ Delegated Authority/ Cabinet/ Council reports regarding the service activity/ policy/ strategy/ budget change/ decision. Decision-makers should be confident that a robust EqIA has taken place, that any necessary mitigating action has been taken and that there are robust arrangements in place to ensure any necessary ongoing actions are delivered.

Section 2 – Summary of proposal

Please give a brief summary of the proposed service change / policy/ strategy/ budget change/project plan/ key decision

Please summarise briefly:

What is the proposed decision or change?
What are the reasons for the decision or change?

What outcomes are you hoping to achieve from this change?
Who will be impacted by the project or change - staff, service users, or the wider community?

The proposed decision is to award a servicing contract for mechanical and electrical servicing contract delivering the below compliance inspections:

- Communal Fire Alarm Servicing
- Emergency Lighting Servicing
- Building Evaluation Alert System Servicing
- Automatic Opening Vent (AOV) Servicing
- Riser Servicing
- Automatic Water Fire Suppression System (Sprinklers) Servicing
- Communal Electrical Testing
- Lightning Protection Servicing
- Mechanical Gate Servicing
- Door Entry Servicing
- Communal Extract Servicing
- Fall Arrest Systems Servicing
- Schedule of Rates for related services
- Quotation mechanism for remedial repairs.

Section 3 – Equality analysis

This section asks you to consider the potential differential impact of the proposed decision or change on different protected characteristics, and what mitigating actions should be taken to avoid or counteract any negative impact.

According to the Equality Act 2010, protected characteristics are aspects of a person's identity that make them who they are. The law defines 9 protected characteristics:

1. Age
2. Disability
3. Gender reassignment.
4. Marriage and civil partnership.
5. Pregnancy and maternity.
6. Race
7. Religion or belief.
8. Sex
9. Sexual orientation.

At Enfield Council, we also consider socio-economic status as an additional characteristic.

“Differential impact” means that people of a particular protected characteristic (eg people of a particular age, people with a disability, people of a particular gender, or people from a particular race and religion) will be significantly more affected by the change than other groups. Please consider both potential positive and negative impacts, and provide evidence to explain why this group might be particularly affected. If there is no differential impact for that group, briefly explain why this is not applicable.

Please consider how the proposed change will affect staff, service users or members of the wider community who share one of the following protected characteristics.

Detailed information and guidance on how to carry out an Equality Impact Assessment is available [here](#). (link to guidance document once approved)

Age

This can refer to people of a specific age e.g. 18-year olds, or age range e.g. 0-18 year olds.

Will the proposed change to service/policy/budget have a **differential impact positive** on people of a specific age or age group (e.g. older or younger people)?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact. By improving the quality/safety of houses this will support the residents of the property, regardless of age and where necessary adaptations will be made.

Mitigating actions to be taken

Disability

A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day-day activities.

This could include: physical impairment, hearing impairment, visual impairment, learning difficulties, long-standing illness or health condition, mental illness, substance abuse or other impairments.

Will the proposed change to service/policy/budget have a **differential impact positive** on people with disabilities?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact, these services will improve the quality of the house. People with disabilities, including families with children and young people who have Special Education Needs and Disabilities will be offered flexible appointments if access is required through their property to reach communal areas required under this contract.

Mitigating actions to be taken

Gender Reassignment

This refers to people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on transgender people?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact. By improving the safety of homes, this will support all residents, regardless of their gender identity.

Mitigating actions to be taken

Marriage and Civil Partnership

Marriage and civil partnerships are different ways of legally recognising relationships. The formation of a civil partnership must remain secular, where-as a marriage can be conducted through either religious or civil ceremonies. In the U.K both marriages and civil partnerships can be same sex or mixed sex. Civil partners must be treated the same as married couples on a wide range of legal matters.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people in a marriage or civil partnership?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact. By improving the safety of homes, this will support all residents regardless of their marital or civil partnership status.

Mitigating actions to be taken

Pregnancy and maternity

Pregnancy refers to the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on pregnancy and maternity?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact. By improving the safety of homes, this will support all residents regardless of whether they are pregnant or expecting a baby

Mitigating actions to be taken

Race

This refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people of a certain race?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact. By improving the safety of homes, this will support all residents, regardless of their race.

Mitigating actions to be taken

Religion and belief

Religion refers to a person's faith (e.g. Buddhism, Islam, Christianity, Judaism, Sikhism, Hinduism). Belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people who follow a religion or belief, including lack of belief?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact. By improving the safety of homes, this will support all residents, regardless of religious belief.

Mitigating actions to be taken

Sex

Sex refers to whether you are a female or male.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on females or males?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact. By improving the safety of homes, this will support all residents, regardless of their sex.

Mitigating actions to be taken

Sexual Orientation

This refers to whether a person is sexually attracted to people of the same sex or a different sex to themselves. Please consider the impact on people who identify as heterosexual, bisexual, gay, lesbian, non-binary or asexual.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people with a particular sexual orientation?

Please provide evidence to explain why this group may be particularly affected.

No anticipated differential impact. By improving the safety of homes, this will support all residents, regardless of their sexual orientation.

Mitigating actions to be taken

Socio-economic deprivation

This refers to people who are disadvantaged due to socio-economic factors e.g. unemployment, low income, low academic qualifications or living in a deprived area, social housing or unstable housing.

Will this change to service/policy/budget have a **differential impact positively** on people who are socio-economically disadvantaged?

Please provide evidence to explain why this group may be particularly affected.

Improving the safety of council homes is expected to positively impact people who are socio-economically disadvantaged.

Mitigating actions to be taken.

Section 4 – Monitoring and review

How do you intend to monitor and review the effects of this proposal?

Who will be responsible for assessing the effects of this proposal?

The contract manager within the service will be responsible for managing the contractors and ensuring they undertake their responsibilities as per the contract, including delivering the works as per the specification, including in line with the council's sustainability policy.

Engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison which were evaluated as part of their tender submission.

Section 5 – Action plan for mitigating actions

Any actions that are already completed should be captured in the equality analysis section above. Any actions that will be implemented once the decision has been made should be captured here.

Identified Issue	Action Required	Lead officer	Timescale/By When	Costs	Review Date/Comments
EDI Policy to be provided by the Contractor	The Contractor will be required to submit their Equality Diversity and Inclusion policy to the council	TBC	Pre-Contract Meeting	None	TBC

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



London Borough of Enfield

Report Title	Extension of the Council's Dynamic Purchasing System for people with Learning Disabilities
Report to:	Tony Theodoulou - Executive Director of People
Date of Report:	19th July 2023
Directors:	Doug Wilson, Director of Health and Adult Social Care Tony Theodoulou, Executive Director of People
Report Author:	Christopher Reddin, Service Development Manager, Learning Disabilities and Autism
Ward(s) affected:	All
Key Decision Number	KD 5635
Implementation date, if not called in:	21 August 2023
Classification:	Part I Public
Reason for exemption	Not applicable

Purpose of Report

1. To provide a proposal to the Director of Health and Adult Social Care and Cabinet Member requesting an extension to the Dynamic Purchasing System for care and support services for people with Learning Disabilities.

Recommendations

- | |
|--|
| <ol style="list-style-type: none">I. Agree the extension of the Dynamic Purchasing System for Care and Support Services for people with Learning Disabilities from October 2023 to November 2025 |
|--|

Background and Options

2. The Council has a Dynamic Purchasing System (DPS) used to commission care and support services for adults with learning disabilities aged 18 and over assessed as eligible under the Care Act 2014 and for whom the Council has a duty to meet needs for care and support.
3. The Integrated Learning Disabilities Service (ILDS) expenditure on care purchasing for adults requiring care and support was £38,869,505 for the last financial year (SAP actual year end for 2022/23). This includes self-directed support, support provided in supported living settings, residential care, nursing care and residential respite. The annual budget for the ILDS is agreed separately as part of the Adult Social Care budget and expenditure through the DPS is therefore not additional spend.
4. The decision to extend the DPS is a key decision under the Council's constitution as it relates to expenditure of £500,000 or above per annum during the extension period. Under public contract regulations it is the value of the contracts going through the system that should be included in the consideration as to whether it is a key decision. Furthermore, in addition to level of expenditure, the decision affects adults with learning disabilities living in two or more wards of the Council. A substantial amount of learning disabilities service spend will go through this system and therefore will easily exceed the £500,000 limit. The decision is not to determine the level of spend which will be within budget parameters and monitored through the budget monitoring system as normal.
5. The DPS commenced 9th October 2018 for a five-year period to 8th October 2023 and allows providers of care and support services to apply and be accepted throughout the term (providers can apply between 27th June 2018 to 31st July 2023).

6. Previously, the Strategic Service Development and Procurement Board agreed to extend the DPS to March 2024 to allow additional time for the Procurement Bill to pass and to incorporate the new regulations as part of the procurement options and ongoing strategy. The Procurement Bill has been further delayed and it is now anticipated that the new Procurement Act will commence October 2024. The Council will move towards a new framework as soon as practical and allowed by the new legislation.
7. The DPS facilitates a competitive procurement process that the Council has been able to utilise to maintain sufficiency and diversity of supply of care provision which is secured at competitive prices to meet best value requirements. The DPS is a compliant procurement approach in accordance with both the Council Contract Procedure Rules and the Public Contracts Regulations 2015 (PCR).
8. Providers can apply to the DPS through completion of a Standard Selection Questionnaire (SSQ), this is assessed for the purposes of selecting suitable providers to proceed to the next stage of the procurement with those providers successful in passing the defined criteria being accepted onto the relevant lots of the DPS.
9. If accepted onto the DPS, providers can view and quote for individual contracts based upon proposed support arrangements outlining individual outcomes. There are six lots under the DPS setting out varying level of complexity of need and whether accommodation is required. The lots are as follows;

Lot 1a - Moderate to severe learning disabilities - Care & Support

Lot 1b - Moderate to severe learning disabilities - Care & Support with Accommodation

Lot 2a - Profound and multiple learning disabilities and /or complex health needs - Care & Support

Lot 2b - Profound and multiple learning disabilities and /or complex health needs - Care & Support with Accommodation

Lot 3a - Learning disabilities and behaviour that challenges and/or mental health issues - Care & Support

Lot 3b - Learning disabilities and behaviour that challenges and/or mental health issues - Care & Support with Accommodation
10. Providers submit their best and final offer which is subject to evaluation (price 40%, quality 60%), the provider ranked first invited to carry out an assessment of the service user (other providers may however also be invited to assess at the discretion of the Council).

11. The DPS allows providers to join at any time throughout the duration of the tender, this has enabled the Council to contract with a number of market entrants as well as more established providers, ensuring competitiveness in the local market.
12. Providers are monitored by professionals reviewing individual outcomes six weeks from commencement of the service and annually thereafter. Any quality issues identified are addressed through this process with any concerns raised to the Safeguarding Information Panel (sharing intelligence with partner agencies to inform actions/decisions, this can include decision to invoke the Provider Concerns policy to work with a provider to improve standards where necessary).
13. Also relevant as background is the future intention when re-procured by November 2025 to align re-provision to include all care groups in the new contractual arrangement under a framework agreement as soon as practical and allowed by the new legislation. This will enable the Council to have a clear and transparent process for the procurement of support services across these pathways and potentially achieve efficiencies through the fixing of price at tender stage. There will be a further key decision report presented on the details of the new framework envisaged.
14. Whilst the DPS has been successfully utilised to achieve best value for the Council and service users, a new framework will offer greater options and greater flexibilities, including to fix the price at tender stage when the framework is awarded, rather than the process under the DPS of obtaining prices from pre-selected providers each time a contract is being awarded. This will stabilise pricing and reduce variances in cost across Adult Social Care.
15. It is necessary to consider the options available to the Council given the DPS is due to expire on 8th October 2023. There are two options identified;

Option 1 Set up a new arrangement for Care and Support Services for people with Learning Disabilities from 9th October 2023 to replace the DPS as a compliant route to market under existing PCR

Option 2 Extend the existing DPS to November 2025 to re-evaluate the Council's options for procurement once the Procurement Bill has become law and new procurement regulations published and to set up a new and appropriate arrangement under the new regulations for all care groups from November 2025

Unfortunately, the delay in the legislation has caused us an unexpected problem and therefore the viable option is option 2 which is therefore the recommended option.
16. The second option would take advantage of the new procurement law and anticipated benefits of the new law; greater flexibility with favourable implications is anticipated with respect to framework agreements though the position will only be known when the bill is enacted and the regulations on

light touch regime contracts become law. The Bill in its current form allows for the charging of fees at a fixed percentage of the estimated value of the contract awarded under the framework, the possibility of permitting open frameworks to admit new suppliers when needed and to exclude providers that fail to deliver the required objectives.

17. The option to open the framework after commencement would allow for new and innovative providers to join and enable the Council to benefit from a diverse range of providers.
18. The Procurement Bill was in its final stages and there continues to be consideration of amendments before the Bill can receive Royal Assent, it is therefore possible that the flexibility proposed in relation to framework agreements could change. In addition, there remains the risk of further delay and of a transition period once the Bill is enacted.

Preferred Option and Reasons for Preferred Option

19. The preferred option for the Council is option 2; to extend the current DPS until November 2025 to benefit from the provisions proposed within the Procurement Bill in relation to framework agreements and to align this work as part of a procurement strategy to cover the commissioning of care and support services for all care groups across adult social care.
20. Commencing a procurement exercise to replace the DPS with a framework agreement from October 2023 will mean that the current PCR will apply. There will be no flexibility to re-open the framework periodically or to change underlying call off contracts and further consideration will be required once the Procurement Bill is enacted as to the implications of the new Procurement Act.
21. Extending our current arrangements until the new Procurement Act is implemented would enable the Council to take advantage of current proposed favourable implications in respect of our procurement strategy for a new framework agreement. Furthermore, the Council will be able to potentially achieve efficiencies through the fixing of price at tender stage for all care groups. By extending there are no additional costs at this stage. The cost of the software used is £35,350 per annum, this software is used for other purchasing in any case and would be a cost regardless of this decision. Additionally, because of this need in other areas of Adult Social Care, we have recently reprocured this for a five-year term starting 20th April 2023. Work will continue on developing a new framework over the time to re-procure and the subsequent key decision report on the new framework will consider the financial aspects in further depth of that future decision.

Relevance to Council Plans and Strategies

22. The Enfield Council Plan, 'Investing in Enfield', sets out how we will deliver positive outcomes for our communities. Priority two is for strong, healthy and safe communities and includes the Council's aim to protect vulnerable adults from harm and deliver robust early help and social care services. Providing services in line with individual outcomes will support adults with learning disabilities to be independent and in control of their own lives.

Procurement Implications

23. Any procurement related activity must be undertaken in accordance with the Council's Contract Procedure Rules (CPR's), the Public Contracts Regulations (PCRs) and the Council's Sustainable and Ethical Procurement Policy. The proposed extension to the Dynamic Purchasing System (DPS) will go through the Procurement Services Assurance process and the necessary Gate Report shall be prepared.

24. The value of the DPS is above the relevant Threshold of the PCRs. This will mean the proposed extension must be conducted in accordance with the requirements of the PCRs.

25. The lead officer within the Service Area must keep records of approvals to proceed with the proposed extension to evidence compliance with the rules.

26. The Service Area shall ensure the extension takes place via the Council's eTendering system, the London Tenders Portal (LTP) and work with Procurement Services to publish a notice on Find a Tender for the extension.

27. All evidence of authority to extend the DPS, as well as all contractual documents relating to this decision, must be uploaded on to LTP.

28. Information regarding the awarded contracts should be promoted to Contracts Finder to comply with the Government's transparency requirements.

29. In accordance with the Council's CPR's, the service must ensure that a Contract Manager continues to be assigned to the DPS and ensures the monitoring requirements are adhered to, including evidence of regular contract / performance reviews.

30. The Service Area has completed the Contract Management Tiering tool, this DPS has been classified as "Gold". The Service Manager has met with the Contract and Supplier Relationship Manager within Procurement Services, who has gone through the contract management requirements for the management of this DPS. It is acknowledged that services are procured via the DPS and as such, it is through numerous providers which are matched to the specific requirements of the individuals concerned.

31. The Service Area has had a formal presentation regarding contract management and the team is aware of the responsibilities of the service manager in respect of diligently managing such contracts.

Financial Implications

32. The service has confirmed that there are no direct and incremental costs related to this decision. This decision is around procurement methodology and the software and systems to be used going forward, pending changes in legislation and the review of the existing system and the development of a new framework. The costs of such new framework will need to be reviewed at that time. The decision will affect the ongoing procurement of a large part of learning disability care purchasing, the use of this particular system can vary time to time and year to year. Learning disability care purchasing spend is monitored closely and variances and issues reported through the normal corporate procedures. Therefore, the decision does have indirect financial implications in that it informs and governs the results of a high value of care purchasing decisions supporting vulnerable adults and resultant contract awards, however, this is part of an existing system that is well proven and compliant with legislation and regulation and the decision is merely to extend the beneficial existing operations with a view to legislative timescales and an appropriate lead time to affect any necessary work, changes and will be subject to a further key decision in the future.

Legal Implications

33. The Council has a duty under section 1 of the Care Act 2014 ('Care Act') to promote individuals' well-being (as defined in the Care Act). The Council has a further duty under section 18 of the Care Act 2014 to meet the care and support needs of adults assessed as eligible under the Care Act including arranging for a person to provide services for the provision of accommodation and the provision of care and support at home or in the community. Additionally, section 111 of the Local Government Act 1972 gives a local authority power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to the discharge of its functions. Further, the Council has a general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals may generally do provided it is not prohibited by legislation. The recommendations within this Report are in accordance with these powers and will enable the Council to continue to fulfil its duties under the Care Act.
34. The value of the dynamic purchasing system (DPS) is above the threshold for light touch regime contracts (currently £663,540 inclusive of VAT) under the Public Contracts Regulations 2015 (PCR 2015). The DPS was set up in the accordance with the PCR 2015 and fully complies with the requirement of the PCR 2015 and the Council's Contract Procedure Rules.
35. Unlike framework agreements, there is no specific maximum duration for a DPS under the PCR 2015. The period of validity must be stated on the original contract notice but this period can be amended by the publication of a notice. Further, the extension of the DPS must comply with the principles of

procurement set out in regulation 18 PCR 2015 namely, equal treatment, non-discrimination, transparency, and proportionality. Regulation 34(28) PCR 2015 further provides that where the period of validity is changed without terminating the DPS, the contracting authority shall submit for publication on the UK notification service a notice of the kind used initially for the call for competition for the DPS.

36. Accordingly, it is advised that a notice should be published on Find a Tender for the extension of the validity period recommended in this report. It is further advised that the DPS must be kept open to all interested candidates that satisfy the selection criteria to join the DPS throughout the validity of the DPS and the form of contracts published when the DPS was set up must continue to be used for all awards with providers during any extension period. Any interested candidate that meets the minimum requirements for admission to the DPS, as published when the original contract notice was set up, will continue to have the opportunity apply to join the DPS until expiry of the system. Accordingly, no provider on the market who meets the selection criteria will be disadvantaged by the extension of the DPS.
37. The Key Decision process under the Constitution must be followed as the contract value is above the Key Decision threshold of £500,000.

Equalities Implications

38. A full Equality Impact Assessment (EqIA) has been completed and is available in Appendix 1. The EqIA identifies a general positive impact in terms of facilitating care and support arrangements for adults with Care Act eligible needs in line with the Council's statutory duties. The decision to extend the DPS for a further 2 years is not anticipated to have a negative impact on any of the protected groups.
39. The EqIA has identified the need for ongoing monitoring of monthly data on protected characteristics which, together with engagement activity with all client groups and market engagement with providers will be used to inform the development of a new contractual arrangement from November 2025. The Council will continue to monitor the quality of providers commissioned through the DPS.

Report Author: Christopher Reddin
Service Development Manager for Learning Disabilities and
Autism
christopher.reddin@enfield.gov.uk
020 8132 2020

Appendices

1. Equality Impact Assessment

Background Papers

None

This page is intentionally left blank

Enfield Equality Impact Assessment (EqIA)

Introduction

The purpose of an Equality Impact Assessment (EqIA) is to help Enfield Council make sure it does not discriminate against service users, residents and staff, and that we promote equality where possible. Completing the assessment is a way to make sure everyone involved in a decision or activity thinks carefully about the likely impact of their work and that we take appropriate action in response to this analysis.

The EqIA provides a way to systematically assess and record the likely equality impact of an activity, policy, strategy, budget change or any other decision.

The assessment helps us to focus on the impact on people who share one of the different nine protected characteristics as defined by the Equality Act 2010 as well as on people who are disadvantaged due to socio-economic factors. The assessment involves anticipating the consequences of the activity or decision on different groups of people and making sure that:

- unlawful discrimination is eliminated
- opportunities for advancing equal opportunities are maximised
- opportunities for fostering good relations are maximised.

The EqIA is carried out by completing this form. To complete it you will need to:

- use local or national research which relates to how the activity/ policy/ strategy/ budget change or decision being made may impact on different people in different ways based on their protected characteristic or socio-economic status;
- where possible, analyse any equality data we have on the people in Enfield who will be affected eg equality data on service users and/or equality data on the Enfield population;
- refer to the engagement and/ or consultation you have carried out with stakeholders, including the community and/or voluntary and community sector groups you consulted and their views. Consider what this engagement showed us about the likely impact of the activity/ policy/ strategy/ budget change or decision on different groups.

The results of the EqIA should be used to inform the proposal/ recommended decision and changes should be made to the proposal/ recommended decision as a result of the assessment where required. Any ongoing/ future mitigating actions required should be set out in the action plan at the end of the assessment.

Section 1 – Equality analysis details

Title of service activity / policy/ strategy/ budget change/ decision that you are assessing	Proposed extension of the Dynamic Purchasing System for Care and Support Services for people with Learning Disabilities from October 2023 to November 2025
Team/ Department	People Department ASC Strategy and Development
Executive Director	Tony Theodoulou
Cabinet Member	Cllr Alev Cazimoglu
Author(s) name(s) and contact details	Christopher Reddin
Committee name and date of decision	N/a
Date of EqIA completion	

Date the EqIA was reviewed by the Corporate Strategy Service	
Name of Head of Service responsible for implementing the EqIA actions (if any)	Matt Casey
Name of Director who has approved the EqIA	Doug Wilson

The completed EqIA should be included as an appendix to relevant EMT/ Delegated Authority/ Cabinet/ Council reports regarding the service activity/ policy/ strategy/ budget change/ decision. Decision-makers should be confident that a robust EqIA has taken place, that any necessary mitigating action has been taken and that there are robust arrangements in place to ensure any necessary ongoing actions are delivered.

Section 2 – Summary of proposal

Please give a brief summary of the proposed service change / policy/ strategy/ budget change/project plan/ key decision

Please summarise briefly:

What is the proposed decision or change?

What are the reasons for the decision or change?

What outcomes are you hoping to achieve from this change?

Who will be impacted by the project or change - staff, service users, or the wider community?

The proposed decision

It is proposed that the Council extend the existing Dynamic Support System (DPS) used to procure care and support services for people with learning disabilities aged 18 and over to November 2025. This decision will enable the Council to re-evaluate options for procurement once the Procurement Bill has become law and new procurement regulations published and set up a new framework under the new regulations for all care groups from November 2025 onwards.

The reasons for the decision

In 2018 Adult Social Care (ASC) set up a DPS to procure care and support services for people with learning disabilities aged 18 and over living in the community. This remains as a compliant procurement approach in accordance with both the Council's Contract Procedure Rules and the Public Contracts Regulations 2015. The DPS is facilitated by a portal known as 'CarePlace'.

Providers can apply to the DPS through completion of a Standard Selection Questionnaire (SSQ), this is assessed for the purposes of selecting suitable providers to proceed to the next stage of the procurement with those providers successful in passing the defined criteria being accepted onto the relevant lots of the DPS.

The Brokerage service use CarePlace to advertise proposed support arrangements to providers in the appropriate Lot, outlining the individual outcomes to be met within the personal budget and whether supported accommodation is required. Currently there are 80 providers registered on the DPS across all lots.

The Integrated Learning Disabilities Service (ILDS) expenditure on care purchasing for adults requiring care and support was £38,869,505 for 2022/23. This includes self-directed support, support provided in supported living settings, day care, residential care, nursing care and residential respite.

The DPS commenced 9th October 2018 for a five-year period to 8th October 2023 and allows providers of care and support services to apply and be accepted throughout its term (providers can apply between 27th June 2018 to 31st July 2023).

It is proposed that the Council extend the DPS to November 2025 to benefit from the provisions proposed within the Procurement Bill in relation to framework agreements, and to align this work as part of a procurement strategy to cover the commissioning of care and support services for all care groups across adult social care.

This Equality Impact Assessment (EqIA) will assess the possible impact of the decision to extend the DPS until November 2025 on service users under the Integrated Learning Disabilities Service.

Who will be impacted on this Decision?

- Enfield learning disability service users (857 in May 2023) who are supported by existing providers on the DPS
- Adults with learning disabilities who require services to be commissioned via the DPS, including those coming through Enfield Council's Preparing for Adulthood transition pathway (determined to be Care Act (2014) eligible)
- Providers registered under the DPS who provide care and support services (80 organisations).

Positive impacts of the decision

- The DPS facilitates a competitive procurement process that the Council has been able to utilise to maintain sufficiency and diversity of supply of care provision
- The DPS is a compliant procurement approach in accordance with both the Council's Contract Procedure Rules and the Public Contracts Regulations 2015 (PCR)
- Where care and support services for people with learning disabilities are commissioned by the Council, the DPS enables choice from those providers who are able to meet the person's assessed needs (where criteria is met)
- This proposal would enable the Council to take advantage of the new procurement law and anticipated benefits of the new law

Negative impacts of the decision

- There are no anticipated negative impacts; the Council can continue to commission care and support services where required for people with learning disabilities from a diverse range of providers who will continue to have access to procurement processes via the DPS.

Section 3 – Equality analysis

This section asks you to consider the potential differential impact of the proposed decision or change on different protected characteristics, and what mitigating actions should be taken to avoid or counteract any negative impact.

According to the Equality Act 2010, protected characteristics are aspects of a person's identity that make them who they are. The law defines 9 protected characteristics:

1. Age
2. Disability
3. Gender reassignment.
4. Marriage and civil partnership.
5. Pregnancy and maternity.
6. Race
7. Religion or belief.
8. Sex
9. Sexual orientation.

At Enfield Council, we also consider socio-economic status as an additional characteristic.

“Differential impact” means that people of a particular protected characteristic (eg people of a particular age, people with a disability, people of a particular gender, or people from a particular race and religion) will be significantly more affected by the change than other groups. Please consider both potential positive and negative impacts, and provide evidence to explain why this group might be particularly affected. If there is no differential impact for that group, briefly explain why this is not applicable.

Please consider how the proposed change will affect staff, service users or members of the wider community who share one of the following protected characteristics.

Detailed information and guidance on how to carry out an Equality Impact Assessment is available here. (link to guidance document once approved)

Age

This can refer to people of a specific age e.g. 18-year olds, or age range e.g. 0-18 year olds.

Will the proposed change to service/policy/budget have a **differential impact [positive or negative]** on people of a specific age or age group (e.g. older or younger people)?

Please provide evidence to explain why this group may be particularly affected.

The proposal to extend the DPS is expected to have a positive impact on all service users, as where care and support services are commissioned by the Council, the DPS enables choice from those providers who are able to meet the person's assessed needs (where criteria is met).

Baseline estimates for people aged 18-64 with learning disabilities indicate a slight population decrease over the next 20 years. Sub populations of people with learning disabilities aged between 45-64 are set to increase, as some people with learning disabilities are supported to live into older age.¹

Figure 1 - The age profile of adults with learning disabilities in receipt of care and support services in Enfield;

Age Group	Number of service users
18-25	194
26-35	217
36-45	145
46-55	110
56-64	103
65+ (grouped category for the purposes of General Data Protection Regulation)	88

Proposed Impact

This extension will not impact upon the care and support services commissioned through the DPS to meet the needs of people by age. Providers are expected to support people to meet individual outcomes within their personal budget. Providers work in partnership with the Integrated Learning Disabilities Service and other statutory and voluntary agencies, as appropriate, to ensure that individuals receive a joined-up service that is tailored to their assessed needs.

Providers are required to ensure that the Service User is encouraged to exercise choice and control over the support they receive. Furthermore, care is provided in

¹ www.pansi.org.uk

accordance with the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 which set out that the provider must ensure the privacy of the service user, support their autonomy, independence and involvement in the community and have due regard to any relevant protected characteristics (as defined in section 149(7) of the Equality Act 2010).

Mitigating actions to be taken

Not applicable.

Adult Social Care monitors monthly data on service users who share one of the different nine protected characteristics. This data will be used by the Strategy and Service Development Team to review the EQIA to consider the impact of a new framework agreement in November 2025 and to inform the development of this.

Disability

A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day-day activities.

This could include: physical impairment, hearing impairment, visual impairment, learning difficulties, long-standing illness or health condition, mental illness, substance abuse or other impairments.

Will the proposed change to service/policy/budget have a **differential impact [positive or negative]** on people with disabilities?

Please provide evidence to explain why this group may be particularly affected.

The proposal to extend the DPS is expected to have a positive impact on all service users, as where care and support services are commissioned by the Council, the DPS enables choice from those providers who are able to meet the person's assessed needs (where criteria is met).

There were 857 adults with a learning disability receiving care and support services under the Integrated Learning Disabilities Service in May 2023, this represents 0.25% of Enfield's total population (2021 Census).

Adults eligible for support and accommodation via the DPS will;

- have a learning disability
- be eligible and open to Enfield's Integrated Learning Disabilities Service (ILDS)
- be aged 18 years or over, or in transition to adult services
- meet the national eligibility threshold for needing care as set out in the Care Act (2014)

Adults may have a range of additional needs, this could include; a mental health issue, substance misuse, behaviour that challenges, autism, a physical disability, a

sensory impairment, a complex health condition, be at risk of offending and/or contact with the Criminal Justice System, have communication difficulties, risk-taking behaviours that put the adult or others at risk of harm, be victims of abuse or a history of experiencing abuse or traumatic life events.

The DPS enables the Council to arrange the required support and accommodation (where assessed to be necessary) from a range of providers. Organisations providing support will have to demonstrate their skills and experience in helping to maintain a disabled person's safety and independence. Person Centred approaches to care, safeguarding, ensuring dignity and building on individual's strengths will all form part of this requirement on tender submissions.

Mitigating actions to be taken

Not applicable.

Adult Social Care monitors monthly data on service users who share one of the different nine protected characteristics. This data will be used by the Strategy and Service Development Team to review the EQIA to consider the impact of a new framework agreement in November 2025 and to inform the development of this.

Gender Reassignment

This refers to people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on transgender people?

Please provide evidence to explain why this group may be particularly affected.

The proposal to extend the DPS is expected to have a positive impact on all service users, as where care and support services are commissioned by the Council, the DPS enables choice from those providers who are able to meet the person's assessed needs (where criteria is met).

According to the 2021 Census, in Enfield, 1.1% of residents declared their gender identity is different from that which had been assigned at birth. This is higher than London (0.9%) and England and Wales (0.5%) averages.

Providers are required to ensure that the Service User is encouraged to exercise choice and control over the support they receive. Furthermore, care is provided in accordance with the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 which set out that the provider must ensure the privacy of the service user, support their autonomy, independence and involvement in the

community and have due regard to any relevant protected characteristics (as defined in section 149(7) of the Equality Act 2010).

Mitigating actions to be taken

Not applicable.

Adult Social Care monitors monthly data on service users who share one of the different nine protected characteristics. This data will be used by the Strategy and Service Development Team to review the EQIA to consider the impact of a new framework agreement in November 2025 and to inform the development of this.

Marriage and Civil Partnership

Marriage and civil partnerships are different ways of legally recognising relationships. The formation of a civil partnership must remain secular, where-as a marriage can be conducted through either religious or civil ceremonies. In the U.K both marriages and civil partnerships can be same sex or mixed sex. Civil partners must be treated the same as married couples on a wide range of legal matters.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people in a marriage or civil partnership?

Please provide evidence to explain why this group may be particularly affected.

The proposal to extend the DPS is expected to have a positive impact on all service users, as where care and support services are commissioned by the Council, the DPS enables choice from those providers who are able to meet the person's assessed needs (where criteria is met).

Provision of care and support services in Enfield are not restricted by marriage or civil partnership status. Care and support services commissioned by the Council are able to support people where there is a duty to meet needs for care and support under the Care Act (2014).

Mitigating actions to be taken

Not applicable.

Adult Social Care monitors monthly data on service users who share one of the different nine protected characteristics. This data will be used by the Strategy and Service Development Team to review the EQIA to consider the impact of a new framework agreement in November 2025 and to inform the development of this.

Pregnancy and maternity

Pregnancy refers to the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on pregnancy and maternity?

Please provide evidence to explain why this group may be particularly affected.

The proposal to extend the DPS is expected to have a positive impact on all service users, as where care and support services are commissioned by the Council, the DPS enables choice from those providers who are able to meet the person's assessed needs (where criteria is met).

Mitigating actions to be taken

Not applicable.

Adult Social Care monitors monthly data on service users who share one of the different nine protected characteristics. This data will be used by the Strategy and Service Development Team to review the EQIA to consider the impact of a new framework agreement in November 2025 and to inform the development of this.

Race

This refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people of a certain race?

Please provide evidence to explain why this group may be particularly affected.

The proposal to extend the DPS is expected to have a positive impact on all service users, as where care and support services are commissioned by the Council, the DPS enables choice from those providers who are able to meet the person's assessed needs (where criteria is met).

High-level data on ethnic groups from the ethnicity profile of current Service Users receiving care and support through the Integrated Learning Disabilities Service is set out below;

- White 60.37%
- Black, Black British, Black Welsh, Caribbean or African 14.45%
- Asian, Asian British or Asian Welsh 9.09%
- Mixed or Multiple ethnic groups 9.22%
- Other ethnic group 3.61%
- Not known 3.26%

Providers are required to support services users in a way that is sensitive and responsive to their cultural and ethnic needs. Care is provided in accordance with the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 which set out that the provider must ensure the privacy of the service user, support their autonomy, independence and involvement in the community and have due regard to any relevant protected characteristics (as defined in section 149(7) of the Equality Act 2010).

Mitigating actions to be taken

Not applicable.

Adult Social Care monitors monthly data on service users who share one of the different nine protected characteristics. This data will be used by the Strategy and Service Development Team to review the EQIA to consider the impact of a new framework agreement in November 2025 and to inform the development of this.

Religion and belief

Religion refers to a person's faith (e.g. Buddhism, Islam, Christianity, Judaism, Sikhism, Hinduism). Belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people who follow a religion or belief, including lack of belief?

Please provide evidence to explain why this group may be particularly affected.

The proposal to extend the DPS is expected to have a positive impact on all service users, as where care and support services are commissioned by the Council, the DPS enables choice from those providers who are able to meet the person's assessed needs (where criteria is met).

Data from the religion profile of current Service Users receiving care and support through the Integrated Learning Disabilities Service is set out below;

- The highest proportion of current service users are recorded under the categories of Christian (19%), Church of England 18%, Roman Catholic (11%)
- This is followed by Muslim (13%) and Hindu (2.5%)
- Service users identifying as Jewish, Sikh, Buddhist or other religion each represent under 1.65%
- No religion (23%)
- No information (7%)

Services are expected to be non-discriminatory and responsive to the needs of people regardless of religion or belief (including lack of belief). One of the requirements for providers contracted through the DPS is that service users are supported in a way that is sensitive and responsive to their religious needs and this would be reviewed as part of the annual review process by a social care professional.

It is recognised that residents may observe and/or participate in different religious festivals and practices, including set times of prayer, and this will need to be considered as part of any Care Act (2014) assessment and support planning processes undertaken to ensure that information, advice and support is sensitive to such practices.

Mitigating actions to be taken

Not applicable.

Adult Social Care monitors monthly data on service users who share one of the different nine protected characteristics. This data will be used by the Strategy and Service Development Team to review the EQIA to consider the impact of a new framework agreement in November 2025 and to inform the development of this.

Sex

Sex refers to whether you are a female or male.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on females or males?

Please provide evidence to explain why this group may be particularly affected.

The proposal to extend the DPS is expected to have a positive impact on all service users, as where care and support services are commissioned by the Council, the

DPS enables choice from those providers who are able to meet the person's assessed needs (where criteria is met).

In 2020, 50.5% of the population was female and 49.5% was male. Males outnumber females in every individual year of age up to 27 years, with women outnumbering men in virtually every age thereafter (Enfield Borough Profile, 2022).

Figure 3 - The sex split of adults in Enfield receiving care and support services through the Integrated Learning Disabilities Service;

Female	335
Male	522
Total	857

Adults with learning disabilities require accessible information and support to access services, including in relation to their health (with females more impacted through health inequalities than males as is demonstrated below).

- In the previous 5 years, the proportion of women aged 50 to 69 with a learning disability who received breast cancer screening was 51%. This compares to 65% of women in the same age group without a learning disability (NICE)
- less than a third (31.2%) of eligible women with a learning disability had received cervical smear tests, in contrast to 73.2% of women with no learning disability (Mencap)
- Of those eligible for a colorectal cancer screening, 77.8% of people with a learning disability were screened, compared to 83.7% of those without (Mencap)
- Based on 2018-19 data, males with a learning disability have a life expectancy at birth of 66 years and females with a learning disability have a life expectancy of 67 years. This is 14 and 17 years lower respectively than the general population (NHS Digital).

Providers are required to support service users to attend their annual health checks with their GP and ensure people have up to date health action plans that are followed through and actioned. The learning disabilities annual health check is a reasonable adjustment that can be effective in detecting unmet health needs (Public Health England). The percentage of eligible adults with a learning disability who received a GP health check in Enfield significantly increased from 76.1% (2021/22) to 90.2% in 2022/23. This figure is comparable with other London boroughs within the North Central London Integrated Care System.

Mitigating actions to be taken

Not applicable.

Adult Social Care monitors monthly data on service users who share one of the different nine protected characteristics. This data will be used by the Strategy and Service Development Team to review the EQIA to consider the impact of a new framework agreement in November 2025 and to inform the development of this.

Sexual Orientation

This refers to whether a person is sexually attracted to people of the same sex or a different sex to themselves. Please consider the impact on people who identify as heterosexual, bisexual, gay, lesbian, non-binary or asexual.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people with a particular sexual orientation?

Please provide evidence to explain why this group may be particularly affected.

The proposal to extend the DPS is expected to have a positive impact on all service users, as where care and support services are commissioned by the Council, the DPS enables choice from those providers who are able to meet the person's assessed needs (where criteria is met).

According to the 2021 Census, in Enfield, 2.2% of residents gave their sexual orientation as something other than straight or heterosexual. This was lower than London (4.3%) and England and Wales (3.2%) averages.

Mitigating actions to be taken

Not applicable.

Adult Social Care monitors monthly data on service users who share one of the different nine protected characteristics. This data will be used by the Strategy and Service Development Team to review the EQIA to consider the impact of a new framework agreement in November 2025 and to inform the development of this.

Socio-economic deprivation

This refers to people who are disadvantaged due to socio-economic factors e.g. unemployment, low income, low academic qualifications or living in a deprived area, social housing or unstable housing.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people who are socio-economically disadvantaged?

Please provide evidence to explain why this group may be particularly affected.

The proposal to extend the DPS is expected to have a positive impact on all service users, as where care and support services are commissioned by the Council, the DPS enables choice from those providers who are able to meet the person's assessed needs (where criteria is met).

Access to care and support through Adult Social Care continues to be means tested and details of charging is set out within the charging policy, Adult Social Care Charges for Community Care Services for People Living at Home (2022/23). Whether the Council contributes towards an adult's care and support arrangements depends on their circumstances including income, level of savings and capital (assets).

Mitigating actions to be taken.

Not applicable.

Adult Social Care monitors monthly data on service users who share one of the different nine protected characteristics. This data will be used by the Strategy and Service Development Team to review the EQIA to consider the impact of a new framework agreement in November 2025 and to inform the development of this.

Section 4 – Monitoring and review

How do you intend to monitor and review the effects of this proposal?

Who will be responsible for assessing the effects of this proposal?

This EqlA identifies a general positive impact in terms of facilitating care and support arrangements for adults with Care Act eligible needs in line with the Council's statutory duties. There are no anticipated negative impacts from an equality perspective identified for any of the protected groups.

This proposal is to extend the Dynamic Purchasing System for Care and Support Services for people with Learning Disabilities from October 2023 to November 2025. During this period, the following will be considered;

- Where it appears that an adult with learning disabilities may have needs for care and support, the Council will undertake a Care Act (2014) assessment and record protected characteristics as part of this process, this information is reviewed to ensure it remains up to date
- Adult Social Care continue to monitor monthly data concerning the protected characteristics of people with learning disabilities receiving care and support services
- This information will be used to inform the development of a new contractual arrangement from November 2025 and the EqlA will be reviewed prior to this
- Adult Social Care will engage with service users and undertake market engagement activity with providers as part of our development of a new contractual arrangement across client groups
- The Integrated Learning Disabilities Service assess and review care and support arrangements. The adult's care and support plan includes the date, format and method of delivery of the care services/outcomes which are reviewed by professionals 6 week following commencement, and 12 monthly statutory reviews thereafter
- Any concerns as to the capability of the provider to meet needs set out in the care and support plan are discussed and addressed as part of this process, linking in with the Council's Provider Concerns process where there are organisational concerns
- Adult Social Care will continue to monitor the quality of services through various functions, including Quality Assurance visits, Quality Checkers Initiative, safeguarding data, Safeguarding Information Panel, Person in a Position of Trust Policy and Provider Concerns Policy

Section 5 – Action plan for mitigating actions

Any actions that are already completed should be captured in the equality analysis section above. Any actions that will be implemented once the decision has been made should be captured here.

Identified Issue	Action Required	Lead officer	Timescale/By When	Costs	Review Date/Comments
Ongoing monitoring of protected characteristics	<p>Monthly monitoring of data concerning the protected characteristics of people with learning disabilities receiving care and support services</p> <p>Data utilised to inform the development of a new contractual arrangement from November 2025</p>	Tbc; Strategy and Service Development Team	<p>Monthly, ongoing</p> <p>March 2024</p>	<p>Tbc</p> <p>Tbc</p>	<p>Tbc</p> <p>Tbc</p>
Engagement and market engagement across all client groups	<p>Engagement with service users as part of development of a new contractual arrangement</p> <p>Provider market engagement activity as part of development a new contractual arrangement</p>	Tbc; Strategy and Service Development Team	March 2024 onwards	tbc	Tbc
Ongoing monitoring of providers commissioned through the DPS	Adult Social Care will continue to monitor the quality of services through various functions, including Quality Assurance visits, Quality Checkers Initiative, safeguarding data, Safeguarding Information Panel,	Adult Social Care	Ongoing	Tbc	Tbc

	Person in a Position of Trust Policy and Provider Concerns Policy				
--	---	--	--	--	--