

EQUALITY IMPACT ASSESSMENT

SCREENING DOCUMENT

Name of Proposal

PROCUREMENT AUTHORITY REPORT – CARE &
REPAIR SERVICES: HOUSING AIDS & ADAPTATIONS
CONTRACT ARRANGEMENTS 2019/2023

Lead Department/Service

LEGAL & DEMOCRATIC SERVICES

What is the aim of the proposal?

This report outlines the procurement strategy for the contract arrangements relating to the supply and installation of aids and adaptations to housing in Angus along with a private sector support service for those requiring it, together enabling delivery of Care and Repair services in Angus to support older and disabled people remaining in their own homes and having their health and care needs met there for as long as possible. This report seeks authority for implementation of the procurement strategy to secure the external provision required as part of the overall Care and Repair service in Angus.

Is this a new or a review of an existing policy, procedure, function or report?

This is a review of an existing service

Screening Process

1. Has the proposal already been assessed for its impact on age; disability; gender; gender re-assignment; pregnancy/maternity; marriage and civil partnership; race; religion and belief; and sexual orientation? **If yes, go to 1 a. If no, go to 1 b.**

1 a. Unless there have been significant changes, no further action is required. **Please add your name, position and date below at 3.**

1 b. Does the proposal involve or have consequences for the people the council serves or employs? **If yes, go to 2. If no, go to 1 c.**

1 c. Please state why not

The proposal is not relevant and no further action is required. Sign and date below at 3.

2. Is the proposal relevant to one or more of the protected characteristics? **If yes, go to 2 a. If no, go to 2 b.**

2 a. Proceed to Step 1 of the Full Equality Impact Assessment on page 2.

2 b. Please state why not

The proposal not relevant and no further action is required. Add your name, position and date below at 3.

3. Name:

Position:

Date:

FULL EQUALITY IMPACT ASSESSMENT

Step 1

Are there any statutory legal requirements affecting this proposal? If so please describe.

Yes –

A: LEGISLATIVE REQUIREMENTS RELATING TO THE PROVISION OF ADAPTATIONS

The Social Work (Scotland) Act 1968

The 1968 Act places a general duty on local authorities to promote social welfare (Section 12 of the 1968 Act) by making available advice, guidance and assistance. There are also specific duties to assess needs and decide whether those needs call for the provision of services, which essentially means services under part II of the 1968 Act.

<https://www.legislation.gov.uk/ukpga/1968/49/section/12>

Chronically Sick and Disabled Persons Act 1970

Section 2 of the 1970 Act is effective in Scotland through the Chronically Sick and Disabled Persons (Scotland) Act 1972. It applies to any chronically sick and disabled person, to whom section 12 of the 1968 Act applies, or if the person is under 18 years of age, to any disabled child to whom section 2 of the Children (Scotland) Act 1995 applies. That provision requires the local authority on assessment of needs to that effect to provide a range of assistance to chronically sick and disabled persons, including: "the provision of assistance for that person in arranging for the carrying out of any works of adaptation in his home or the provision of any additional facilities designed to secure his greater safety, comfort or convenience".

<https://www.legislation.gov.uk/ukpga/1970/44/section/2>

The National Health Service (Scotland) Act 1978

The 1978 Act requires Scottish Ministers to promote a comprehensive and integral health service to improve the physical and mental health of the people of Scotland and to provide or secure services for the prevention, diagnosis and treatment of illness. There is also a general duty to promote the improvement of physical and mental health. The discharge of these functions is essentially delegated to health boards. Their duties under the 1978 Act includes duties to provide medical, nursing and other services.

<https://www.legislation.gov.uk/ukpga/1978/29/contents>

Children (Scotland) Act 1995

Sections 22 and 29 of the 1995 Act also place a duty on local authorities to provide services that promote and safeguard the welfare of children, with specific provision for children affected by disability (Section 23). This can extend to making adaptations.

<https://www.legislation.gov.uk/ukpga/1995/36/section/22>

<https://www.legislation.gov.uk/ukpga/1995/36/section/23>

<https://www.legislation.gov.uk/ukpga/1995/36/section/29>

Education (Additional Support for Learning) (Scotland) Act 2004

The 2004 Act introduced a single structure for meeting the needs of children who require additional support to ensure they can make the most of their education. As amended by The Education (Additional Support for Learning) (Scotland) Act 2009, it gives education authorities wide powers to provide required additional support which can extend to adaptations.

<https://www.legislation.gov.uk/asp/2004/4/section/5>

Housing (Scotland) Act 2006 - Scheme of Assistance

The Housing (Scotland) Act 2006 Part 2 introduced a new Scheme of Assistance, which replaced the previous system of private sector home improvement grants. The scheme also aims to encourage home owners to take more responsibility for the condition of their homes, to ensure that private housing in Scotland is kept in a decent state of repair.

Home owners are primarily responsible for their own property under their title deeds, but local authorities have statutory powers to maintain and improve the general condition of private sector housing in their area. If an owner needs help to look after their home, the Scheme of Assistance allows local authorities broad discretionary powers to provide assistance. This assistance can be provided

through advice and guidance, practical help, or through financial assistance by way of grants or loans. But it is for the local authority to determine what kinds of assistance are made available on the basis of local priorities and budgets.

Local authorities must provide assistance to owners who have been served a statutory work notice requiring them to bring a house into a reasonable state of repair. Local authorities must provide assistance by way of grant for most work to adapt homes to meet the needs of disabled people, other than for home extensions. All other assistance is discretionary. The discretionary system of financial assistance supports a wider range of structural adaptations than before (under the (Housing (Scotland) Act 1987) now attracting a mandatory grant of at least 80% of the cost of the work, and 100% for those applicants in receipt of certain income replacement benefits. Under the Scheme of Assistance local authorities must prepare a statement providing information about the assistance that is available locally.

In 2016-17, councils provided householders with 173,050 instances of help. Most of this help (156,175 cases or 90% of all cases) was in the form of non-financial assistance such as website hits, leaflets or advice. Total spending was almost £31.8 million. 5,967 grants were paid to disabled households totalling £22.8 million.

<http://www.legislation.gov.uk/ssi/2008/406/made>

<http://www.legislation.gov.uk/asp/2006/1/part/2>

B: LEGISLATIVE REQUIREMENTS RELATING TO PROCUREMENT

Public Contracts (Scotland) Regulations 2015, Procurement Reform (Scotland) Act 2014 and the Procurement (Scotland) Regulations 2016

Together requiring the procurements of a value of £50K and above must be carried out respecting the EU Treaty procurement principles of:

- Transparency
- Proportionality
- Equal treatment
- Non-discrimination

Section 8(2) of the Procurement Reform (Scotland) Act 2014 (Sustainable Procurement Duty)

Requires that, before the Council procures anything, it must think about how it can do so in a way which improves the social, environmental and economic wellbeing of the Angus area, with a particular focus on reducing inequality. It also requires the Council to consider how its procurement processes can facilitate the involvement of small / medium enterprises (SMEs), third sector bodies and supported business and how public procurement can be used to promote innovation.

Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (Specific Equality Duty)

Requires the Council whenever it awards a "regulated procurement" contract or framework agreement which is covered by the Public Contracts (Scotland) Regulations 2012 to have due regard to the inclusion of award criteria and contract performance conditions which will help us to better perform the general equality duty (to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010; to advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and to foster good relations between people who share a protected characteristic and those who do not).

Step 2

What data/research is available to assess the likely impact of the proposal?

The results of service user consultation underpinning the procurement strategy are that In summary:

- 35 service users were consulted with for their views on possible options for home owners applying for grant assistance with major adaptations.
- 11 people preferred the option of appointing a contractor and managing the works themselves, including any statutory permissions and grant application / payment process.
- 24 people preferred the option of having support under a private tenure adaptations management service.

- No significant concerns were expressed regarding using contractors from a Council /AHSCP framework as long as assurances were provided as to competence and value for money.

The prior consultation with the current provider indicated no service user issues with the present service on the grounds of equality.

Step 3

Is there any reason to believe the proposal could affect people differently due to their protected characteristic ie age; disability; gender; gender re-assignment; pregnancy/maternity; marriage and civil partnership; race; religion and belief; and sexual orientation? Please **place a cross** in each box that applies, and give details alongside.

Age	<input checked="" type="checkbox"/> The adaptations service is available to those who need it due to age or disability in terms of the legislation referred to.
Disability	<input checked="" type="checkbox"/> As above
Gender	<input type="checkbox"/> _____
Gender Re-assignment	<input type="checkbox"/> _____
Pregnancy/maternity	<input type="checkbox"/> _____
Marriage and civil Partnership	<input type="checkbox"/> _____
Race	<input type="checkbox"/> _____
Religion and belief	<input type="checkbox"/> _____
Sexual orientation	<input type="checkbox"/> _____

Step 4

Is there evidence to suggest that any part of the proposal could unlawfully discriminate against people? If so, how?

No

Step 5

Can the proposal be seen to favour one section of the community

Yes ☒ No ☐

or deny opportunities to another?

Yes ☒ No ☐

If yes, please give details.

The adaptations service is available to those who need it due to age or disability in terms of the legislation referred to. It is not available to other sections of the community including those with other protected characteristics. This is justified however on the basis of assessed need – it is available to all those who need it and it is only the characteristics of age or disability that generate such need.

Step 6

Does the proposal advance or restrict equality?

Yes ☒ No ☐

If yes, give details

The proposal enhances equality because it supports people who would otherwise be unable to stay in their own homes due to age or disability to do so.

2 contracts are proposed:-

(1) a "schedule of rates"-type framework agreement for the adaptations supply and installation service, split into lots:

Lot 1 – minor

Lot 2 – moderate

Lot 3 – major

(2) a public services contract or at the bidder's option (provided it qualifies) a (competitively awarded) grant agreement for the private sector support service.

It may be noted that the fundamental reason for the private sector support service contract / grant agreement is to support equality of access to adaptation opportunities by service users who need extra support.

In addition, in furtherance of the Sustainable Procurement Duty and the Specific Equality Duty, provision will be included in the contracts for:

(a) fair work practices - private sector support service;

(b) the delivery of community benefit in terms of targeted recruitment and training, employment and apprenticeship opportunities - adaptations supply and installation service;

(c) inclusion of requirements for training and assessment in relation to contractors' staff and dealing well with vulnerable persons whom they may have contact with in providing these services - adaptations supply and installation service;

(d) Dividing the contract into lots offering greater bidding opportunity to SMEs; and

(e) Offering a choice between "block" grant funding (albeit with input cost transparency) and commercial unit pricing to encourage third sector body participation; also provide for a more enduring funding arrangement than the current rolling annual one to support more planning certainty for third sector bodies - private sector support service.

Step 7

Are there any other actions which could have been taken to enhance equality of opportunity?

If so please state

No

Step 8

Based on the work you have done, rate the level of relevance being allocated to this proposal.

High ☐ Medium ☒ Low ☐ Unknown ☐

Step 9

If during **Steps 3 - 6** there has been an adverse impact identified, consider whether this can be justified.

Yes ☐ No ☐

If yes please give details.

No adverse impact identified.

If no, consider alternative ways of delivering the proposal to minimise negative impact or eliminate unlawful discrimination. Give details of the changes to be made to the proposal.

n/a

Step 10

Do you need to carry out a further impact assessment?

Yes ☐ No ☒

If yes, what actions do you need to take?

Step 11

Make arrangements to monitor and review the impact assessment.

The equalities impact assessment will be reviewed at least annually during the life of the contracts along with the Procurement Strategy.

Step 12

Publish impact assessment.

Where will the Equality Impact Assessment be published?

Along with the Committee report seeking procurement authority (Policy & Resources Committee meeting on 29th January 2019).

Please state your name, position and date, and forward this pro forma either to your designated Equality Impact Assessment Co-ordinator, or if it refers to a committee report, it should be forwarded with the report to committee services.

Name:

_____ Mark Allan _____

Position:

_____ Manager – Procurement & Commissioning _____

Date:

_____ 7th January 2019 _____

For additional information and advice please contact:
the Equalities Officer - Tel: 01307 476058 or E-mail: Equalities@angus.gov.uk