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| Agenda Item No: | 8 |  |
| Committee: | Cabinet | |
| Date: | 30 September 2024 | |
| Report Title: | Emergency Interim Accommodation procurement for local homelessness | |

Cover sheet:

1 Purpose / Summary

- 1.1 The council are bound by procurement regulations to ensure a fair and open process for securing emergency interim accommodation for homeless clients who Fenland District Council have a duty from their connection to the area to assess and support as the legislation allows. This is different from any hotel accommodation for Asylum seekers which is not a service paid for or managed by the district council. There are currently no such hotels in the Fenland area.
- 1.2 This paper outlines the process and outcome.
- 1.3 The costs incurred on the Council over cumulative years means that it is a Cabinet decision to approve the outcome of the procurement process.

2 Key Issues

- 2.1 The Council has a legal obligation to house households in emergency interim accommodation whilst undertaking assessment as part of our duties with regard to homelessness.
- 2.2 Over recent years the numbers that require emergency accommodation has increased to an extent it has hit thresholds for a formal procurement process.
- 2.3 The council commenced a procurement exercise, and a tender process commenced on 29 February 2024, responses were received by 5 April 2024.
- 2.4 A total of 9 companies submitted a response with multiple types of accommodation (e.g. bed and breakfast, self-contained flats etc). All who submitted a response were accepted onto the Framework, including some whose accommodation borders Fenland District.
- 2.5 The council has produced a cost-based framework to be used operationally, ensuring best value for money to ensure wherever possible we choose the cheapest provider subject to availability etc.
- 2.6 The accommodation has been checked to ensure it meets the required standards to place households working with the Housing Options Team.
- 2.7 A key focus for the Council is to minimise the use of this type of accommodation over the Medium-Term Financial Strategy to reduce costs and improve the type of accommodation offered for households working with the housing options team

3 Recommendations

- 3.1 To approve accepting 9 companies for the provision of emergency interim accommodation to place homeless households.

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| Wards Affected | All |
| Forward Plan Reference | KEY/18JUN24/01 |
| Portfolio Holder(s) | Cllr Sam Hoy Portfolio for Housing |
| Report Originator(s) | Dan Horn – Assistant Director Sarah Gove – Housing & Communities Manager |
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| Background Papers | |

Report:

1 BACKGROUND AND INTENDED OUTCOMES

- 1.1 The council are bound by procurement regulations to ensure a fair and open process for securing emergency temporary accommodation for homeless clients at best value. This paper outlines the process and outcome.

2 REASONS FOR RECOMMENDATIONS

- 2.1 The council commenced a procurement exercise and a tender process commenced on 29 February 2024, responses were received by 5 April 2024.
- 2.2 A total of 9 companies with multiple types of accommodation (e.g. bed and breakfast, self-contained flats etc) were accepted onto the Framework, including some who's accommodation borders Fenland District Council's geographical area.
- 2.3 The council has produced a cost-based framework to be used operationally, ensuring best value for money.
- 2.4 The accommodation has been checked to ensure it meets the required standards to place households working with the Housing Options Team

3 CONSULTATION

- 3.1 The council carried out a procurement process to enable providers to tender for the work. As part of this we alerted all existing providers of the opportunity.

4 IMPLICATIONS

4.1 Legal Implications

- 4.2 Procurement process has been undertaken in accordance with relevant regulations

4.3 Financial Implications

- 4.4 A key focus for the Council is to minimise the use of this type of accommodation over the Medium-Term Financial Strategy to reduce costs and improve the type of accommodation offered for households working with the housing options team

- 4.5 A plan is underway to achieve this aim however in the meantime this procurement helps get the best value from accommodation that at the moment we have to use to meet our statutory responsibilities.

4.6 Equality Implications

- 4.7 An Equality Impact Assessment (EIA) has been completed and is set out at Appendix A

5 SCHEDULES

- 5.1 Appendix A – Equality Impact Assessment

Assessing Equality – The Equality Act 2010

INTRODUCTION

The Equality Act 2010 reminded all public authorities of their duty to have ‘due regard’ to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The protected groups (previously known as equality strands) are as follows:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Gender
- Sexual orientation
- Marriage and civil partnerships (eliminate unlawful discrimination only)

Other legislation and practice has determined that we extend this to cover:

- Human Rights
- Socio Economic factors

The duty reminds us of the need to analyse the effect of existing and new policies and practices on equality.

The equality analysis should be proportionate and relevant – not just a tick box exercise. In some cases the written record will be a quick set of bullet points or notes under each heading. Others will need a more detailed explanation.

However, legal case law makes it clear that we must carry out the analysis **before making the relevant policy decision**.

A meaningful equality analysis will help the Council make the best decisions or formulate a policy which best meets our customers needs.

Once a Customer Impact Assessment (replacing our existing Equality Impact Assessment) has been completed there is no need to automatically carry out a new assessment each year. A review assessment has been put in place, and can be completed if there has been no change to the original policy, the way it’s implemented and its customer impact.

Assessing Equality – The Equality Act 2010

A SIMPLE GUIDE TO ASSESSING EQUALITY

What is Customer Impact Assessment (CIA)?

- CIA is the act of systematically assessing the likely (or actual) effects of policies or services on people based on the following:
 - Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Gender
 - Sexual orientation
 - Marriage and civil partnerships
 - Human Rights
 - Socio Economic factors

This means considering the above, as set out in the table below, in relation to a policy, practice or service, before a decision is made.

PLEASE SEE EXPLANATIONS BELOW

| | Eliminating unlawful discrimination, harassment and victimisation | Advancing equality of opportunity between different groups | Fostering good relations between different groups |
|---|--|---|--|
| Disability | | | |
| Age | | | |
| Pregnancy/ maternity/ paternity | | | |
| Race | | | |
| Religion or belief | | | |
| Sex/ Gender | | | |
| Gender reassignment/ Transgender | | | |
| Sexual orientation | | | |
| Human Rights | | | |
| Socio Economic Factors | | | |

Assessing Equality – The Equality Act 2010

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| Marriage and civil partnerships | | | |
|---------------------------------|--|--|--|

- You are looking for opportunities to promote equality, and good relations between all groups as well as removing or mitigating negative or adverse impacts.
- Remember it might not be possible to remove all barriers to service or your policy or practice may have a negative impact on certain groups ... please note anything of this nature

Why is it important?

- Assessing equality issues helps us understand the needs of our customers, ensures our decisions meet those needs, and are also cost effective, and demonstratable.
- As a public authority we also have a **legal** duty to show “*due regard*” for equality in decision making and the way services are provided
- To be able us to show “*due regard*”, we need to show that consideration of [possible impact to the groups mentioned have taken place **prior** to a decision being made; that equality issues were considered, and that this consideration was rigorous, open minded, and involved thinking about the three arms of the Equality Act as part of this process, and that potential adverse impacts were either removed or reduced, and that all our decisions can be defended if challenged.
- Documenting our equality analysis enables the Council show it has had “*due regard*” for equality if decisions are challenged. If “*due regard*” for equality can not be shown, decisions may be overturned at judicial review. This could result in lost time, money and negative publicity.
- The sooner equality is considered in a process; the more efficiently that process can be carried out.

Assessing Equality – The Equality Act 2010

How can equality be assessed?

1. Gather information This can be consulting with relevant groups, using a previous EqIA as a starting point, consultations carried out by other services, details of the service 'hard to reach groups', customer satisfaction surveys, MOASIC data, consider relevance to equality



2. Assess impact Could different groups be affected differently? Is this difference positive or negative? Consider the three arms of the Equality Act in relation to all the protected groups as per the table. NOTE: The quality of the assessment will depend on the quality of the information gathered



3. Take action This could be to reduce negative or increase positive impact. Produce an action plan where appropriate; make actions SMART. Unlawful discrimination MUST be actioned immediately



4. Summarise your findings on the EqIA form. Where it is clear from initial information gathering that a policy will not have any effect on equality, this may simply be a sentence recording this; the greater the relevance to equality, the greater the level of detail required. Publish your findings



5. Monitor the on-going effects of the policy on equality. This is usually in the form of the annual review carried out in October of each year, to fit in with the service planning cycle. The Equality Act is a **continuing** duty!

Assessing Equality – The Equality Act 2010

Customer Impact Assessment

Name and brief description of policy being analysed

Briefly summarise the policy including any key information such as aims, context etc; note timescales and milestones for new policies; use plain language – NO JARGON; refer to other documents if required

There is no specific policy relating to the use of Bed and Breakfast accommodation, hostel or temporary accommodation. It is a statutory function for the council to provide temporary accommodation for those who are homeless. The categories of people that this refers to is contained in government legislation (Housing Act 1996 and 2017). That legislation and associated processes has been assessed nationally against the equalities act. The close association with our allocations policy through Homelink is also important which has an impact assessment as well.

Information used for customer analysis

Note relevant consultation; who took part and key findings; refer to, or attach other documents if needed; include dates where possible

| | Could particularly benefit | Neutral | May adversely impact | Explanations | Is action possible or required? | Details of actions or explanations if actions are not possible Please note details of any actions to be placed in your Service Plan |
|------|----------------------------|----------|--------------------------|--------------|---------------------------------|--|
| Race | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | One of our partners are able |
| Sex | | X | <input type="checkbox"/> | | N | |

Assessing Equality – The Equality Act 2010

| Gender reassignment/ Transgender | <input type="checkbox"/> | X | <input type="checkbox"/> | Women who are pregnant or have given birth in last 26 weeks | N | to offer gender specific accommodation to meet the needs of this group of clients |
|--|--------------------------|----------|--------------------------|---|---|--|
| Disability- physical | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Age 60+ | | X | <input type="checkbox"/> | | N | Following a recent tender process, the council is able to offer additional ground floor accommodation options to meet our clients needs |
| Younger people (17-25) and children (0-16) | | X | | | N | |
| Sexual orientation | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Religion or belief | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | There is a joint protocol for 16 & 17 year olds and also for Care Leavers involving joint work between all councils and Social Care in Cambridgeshire. B&B is used only as a last resort when Social Care accommodation or FDC's other temporary accommodation is exhausted, the council works |
| Pregnancy, maternity and paternity | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Marriage & civil partnership | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |

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| | | | | | | closely with other statutory agencies in such cases and will work creatively given the resources available at that time |
| Human Rights | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Socio Economic | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Multiple/ Cross Cutting | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |

Outcome(s) of customer analysis

a) Will the policy/ procedure impact on the whole population of Fenland and/ or identified groups within the population; negative neutral positive

No major change needed Adjust the policy Adverse impact but continue Stop and remove / reconsider policy

Arrangements for future monitoring:

Note when analysis will be reviewed; include any equality indicators and performance against those indicators
Reviews of policy and procedures will be undertaken when legislation changes

Details of any data/ Research used (both FDC & Partners):

There is a joint protocol for 16 & 17 year olds and Care leavers involving joint work between all councils and Social Care in Cambridgeshire. B&B is used only as a last resort when Social Care accommodation or FDC's other temporary accommodation is exhausted

The council is not allowed to accommodate more than 5 families in B&B for longer than 6 weeks, the Housing Options Team undertake regular scrutiny of this along with monitoring to move clients into alternative self contained accommodation

The council is aware that there are inequalities in relation to funding of emergency bed and breakfast accommodation for clients when compared to clients (predominantly families) who access self contained emergency accommodation. This is due to a variety of reasons. We are looking at options for how this can be addressed through the transformation work for the service.

Assessing Equality – The Equality Act 2010

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| Completed by: Name: Sarah Gove Position: Housing & Communities Manager | |
| Approved by (manager signature): | Date published: This should be the date the analysis was published on the intranet |
| Details of any Committee approved by (if applicable): | Date endorsed by Members if applicable: |