

## Equality Impact Assessment

<b>Name of Policy/Service/Function</b>	This EQIA assesses the EU Procurement process for the future Mechanical and Electrical (M&E) Contract for Ascham Homes.
<b>Date of Assessment</b>	December 2009
<b>Directorate</b>	Property and Investment
<b>Head of Service</b>	Dave Coleman
<b>Name and Roles of People Carrying Out the EIA</b>	Stephen Kennedy - PML
<b>Why is the EIA being done?</b>	<ul style="list-style-type: none"><li>• A project</li></ul>

### 1. Introduction and Background

The purpose of this process is to invite organisations to tender for Contracts for M&E works through the submission of a Pre qualification document, a full Tender submission and the conducting of Tender interviews which also includes the following:

- Development and monitoring of the agreed procurement programme
- Drafting and publication of the OJEU notice
- Development of the prequalification questionnaire
- Development of prequalification evaluation methodology
- Evaluation of prequalification responses in conjunction with Ascham Homes
- Drafting of prequalification evaluation report
- Development of tender document utilising the current TPC2005 form of contract with additional special conditions, specification, performance mechanism as required
- Development of tender evaluation strategy
- Evaluation of tender responses
- Development of tender evaluation and contract award report
- Drafting and publication of Contract Award Notice

The Procurement Process will be conducted in a robust manner, in compliance with all requirements of the RRAA. The award of contracts will ensure equality for all residents, and also prospective Partners throughout the Procurement Process, regardless of race, gender, disability, age or sexuality.

This Procurement Process does not differ from any similar processes as all are conducted within the requirements of the Ascham Homes Procurement Strategy/Policy and the LBWF Procurement Manual. Both these documents highlight the need to ensure that any Procurement Process does not discriminate against anyone regardless of race, gender, disability, age or sexuality.

## **2. Profile of groups affected as customers and/or staff and the key equalities issues**

From the outset of this procurement process The P&I team have adhered to the principles contained within the Ascham Homes Corporate Procurement Strategy and Policy documents and the LBWF Procurement Manual. These documents are in place to ensure there is no adverse impact on minority ethnic groups, men and women, disabled people, lesbians and gay men, young and other people and faith communities.

One of the main aims of the strategy is to ensure that the principles of sustainability, economic development and equality are promoted, as appropriate, in all procurement activities.

The Procurement Policy states that Procurement activities should contribute to the implementation of the Procurement Strategy and other initiatives, including sustainability, health and safety, effective partnerships, local economic prosperity, diversity, risk management and electronic government.

The Procurement of a contract for M&E service lines for Ascham Homes stock, along with the intended delivery of these service lines, as set out in the Procurement Documentation, addresses both genders equally. Ascham Homes expects no discrimination between male and female residencies and adherence to the equal opportunities requirements. Minority race groups do not differently use the services that will be set out in Procurement documentation as they are for the delivery of a safe and thermally efficient housing stock and therefore should not affect creed or colour.

It is stated under Respect for People that there should not be a negative impact on those with or without religious beliefs. Special needs for those with religious requirements such as prayer at certain times in the working day should be accommodated by Ascham Homes and prospective Contract Partners. Where mechanical heating or boilers are being maintained, a suitable alternative provision should be available to meet the needs of certain faiths.

It is evident that equality and diversity is a key driver in all Procurement activities within Ascham Homes and there are no adverse impacts on any groups.

### **3. Questions this assessment addresses**

Ascham Homes have previously tendered for Decent Homes Construction Partners to undertake building works in the period from 2005-2011. As part of this Contract, M&E partners were brought on board to undertake these relevant aspects of improvement works. One of the themes of the Housing strategy which was implemented as part of this Decent Homes Programme is to respond to the changing demand for housing in the LB of Waltham Forest. Ethnicity is recognised as a key factor and meeting the needs and requirement of all groups is seen as vital to the sustainability of the Borough. This element of the strategy is unchanged and continues into the new contract period, post 2011.

Ascham Homes employees adhere to a policy of equal opportunities and non discrimination. Ascham Homes is committed to ensuring that all sections of the community receive a fair and equal service, according to individual needs, and that our staff and board reflect the people we serve.' - Ascham Homes Equality and Diversity Policy. It is expected that all contractors working for Ascham Homes will also adhere to the Ascham Homes equal opportunities and non discrimination policy along with having their own robust policies and procedures in place.

The tender process for prospective contractors ensures that Diversity is a priority in their responses and plans for managing the M&E Contract, post 2011. Prospective Contract Partners are asked to ensure they are compliant with the following legislation:

- Sex Discrimination Act 1975 (as amended)
- Equal Pay Act 1970 (as amended)
- Race Relations Act 1976 (as amended)
- Disability Discrimination Act 1995 (as amended)
- Employment Equality (Religion or Belief) Regulations 2003 (as amended)
- Employment Equality (Age) Regulations 2006 (as amended)
- Employment Equality (Sexual Orientation) Regulations 2003 (as amended)

They are also asked to provide their own policies, processes and procedures that demonstrate their compliance to the above. This documentation is required to demonstrate that the prospective partner actively challenges discrimination on any grounds and ensures that stakeholders that work with it are committed to the same policy – and can demonstrate this. This documentation should also demonstrate that they will not discriminate against any person or organisation on the grounds of

race, ethnic origin, disability, nationality, gender, gender identity, sexuality, age, class, appearance, religion, responsibility for dependants, unrelated criminal activities, being HIV positive or with AIDS, or part time or shift workers, or any other matter which causes a person to be treated with injustice.

The documentation will evidence their commitment to diversity in service delivery in terms of awareness training, practical training, operating procedures and disciplinary codes. It will also demonstrate how they extend policy requirements to sub-contractors and enforce those requirements.

Prospective partners are also asked to demonstrate and detail any previous examples of how they have engaged in any positive action to attract a diverse workforce along with examples, relating to previous contracts, of the specific undertakings they have made relating to the training and development and encouragement of equal opportunities/diversity within their workforce.

A robust consultation process will also be undertaken in the selection of the Contract Partners, a presentation to tenants and leaseholders representatives will take place. Committee members from all tenant and resident associations will be invited to attend the interviews of contractors and be involved in the process of selection as either panel members or observers, creating totally transparent and open selection criteria. Members of all faiths, disabilities, and ages will be invited to ensure a cross section of diverse groups.

The Rethinking Construction principles adopted by the Partners will continue to benefit the elderly by using considerate methods of construction and those with disabilities by using safety procedures correctly and allowing access to dwellings.

Providing affordable warmth for Ascham Homes residents makes up an element of the M&E Contract which will benefit the elderly and those on low incomes the most.

The new contract will continue to provide for improving and installing new door entry systems, CCTV, Estate Lighting etc. This will improve security, benefiting the elderly, vulnerable groups and those at risk from racial harassment.

The provision in this M&E Contract for the continued maintenance of lifts within blocks will help ensure that the elderly or less able bodied residents will be able to easily access their properties.

The current Partnering Processes & Functions document that is in place for Decent Homes Partners will be implemented within the M&E Contract and this takes active consideration of ethnicity by producing documents in multi-languages. This document also makes the provision for translatory

services and providing transportation to meetings for the elderly and disabled.

Ascham Homes employees work to the Old Persons Strategy that is in place through LBWF. M&E Contract Partners will also be expected to work to this Strategy. This aims to provide affordable warmth and help eradicate fuel poverty.

The new M&E contract will offer bulk discount on Leaseholder Gas Servicing visits to ensure that residents benefit from the services M&E Partners provide and have an annual safety check for their properties. This will again assist elderly and vulnerable residents.

#### **4. Action Planning Questions**

The full Procurement Process has been developed with consultation as a key priority. Various Ascham Homes departments were consulted as part of the creation of the Pre Qualification questionnaire and the Invitation to Tender document. These departments include the P&I team, the Legal Department, the RTB team and the Executive Management Team and representatives from LBWF.

The completed documents submitted by prospective Contract Partners will be evaluated by a cross section of Ascham Staff and will also be evaluated by a number of tenant representatives that have been selected to ensure that there has been detailed input from the wider Waltham Forest community.

The input from the tenant representatives will ensure that the selection of new Contract Partners is fair, equitable and representative of the Community that they will be working in.

All details of the evaluation process will be available on request and an evaluation report will be produced at the end of the evaluation of the PQQ and the Invitation to Tender. This will detail the outcomes of the Consultation undertaken through this process.

Overall, the EU Procurement Process for M&E Service Lines and the subsequent delivery of the new contract will have a positive effect on discrimination for the reasons stated in the sections above.

An adverse effect could be for the elderly to resist change to improvements to their dwelling, for instance, not wanting to allow Partner operatives into their property to undertake an upgrade to a heating system. As per the previous Decent Homes Contract, comprehensive RLO involvement and consultation will be in place at all stages to explain in detail the benefits, in order to allay fears of disruption and change. A disclaimer form may be completed by the resident, however, omission of works must not have a detrimental affect on the structure of the property or contravene Health and Safety requirements and be at the discretion of the project manager.

Again, as per the incumbent Decent Homes Contract, the implementation of M&E works is entirely dependent upon stock condition and available funding. Although it is possible that some properties will not have works undertaken to them, this will be because they already reach the required standard and not be dependent in any way upon the race, gender, disability, age, faith and sexual orientation of the residents that occupy them.

## **5. Conclusions and Next Steps**

The key areas which were improved as a result of this assessment were:

- All aspects of the EU Procurement of the Ascham Homes M&E Contract in relation to Diversity.

The new M&E Contract will be monitored robustly in relation to equality and diversity and its affect on the wider community of Waltham Forest on an ongoing and periodic basis.

As part of the Contract Management, the prospective Contract Partners will be expected to report, monthly, quarterly and annually on how their works are impacting the diverse groups in the community.

QA results will now be able to show a breakdown of diversity profile against satisfaction results to ensure that no groups are being unfairly treated or discriminated against. If it is deemed that results may show this then plans can be implemented to rectify this.

Diversity assessment forms will be used for monitoring processes, whilst Quality assurance forms will relay information to help continuous improvement from all sections and diversity of Ascham Homes residents.

Key Performance Indicators will be in place to ensure that any racial harassment incidents are reported and corrective and preventative actions are implemented.

Partners will be asked to contribute to Community Involvement initiatives and report on a quarterly basis how they are benefitting the community. They are also required to implement apprenticeship schemes and local labour initiatives to contribute to the community and ensure the diversity profile of the Partner Staff working on the Ascham Homes contract mirrors that of Waltham Forest.

The Asset Management Strategic document, which will also dictate how the M&E Contract will be managed, monitored on an on-going process and detail any modifications and improvements made to it as and when needed. It is anticipated that this document will be updated on a yearly basis. This will not only address the changing requirements of the M&E functions, but also the available funding and affect it will have on the groups mentioned in this report. Ensuring regular reviews will enable

further provisions to be incorporated that do not discriminate or allow certain sections of society to be excluded from Ascham Homes M&E activities.

## Appendix 2-Action Plan template

<b>Action Required</b>	<b>Lead Officer</b>	<b>Time Scale</b>	<b>Comments/Outcomes</b>
Continual monitoring of Equality and Diversity performance of the Contract.	Programme Management Team	Mid April onwards on an ongoing basis, monthly, quarterly and annually	N/A