



Essex County Council

Cabinet

10:15	Tuesday, 18 April 2023	Council Chamber County Hall, Chelmsford, CM1 1QH
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For information about the meeting please ask for:

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Pages

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Meeting Arrangements

In accordance with paragraph 14.7 of the Council's Constitution, the Leader has agreed that all members may take part in the meeting and vote if they are present via Zoom. The link to the Zoom meeting has been sent to members separately. Members of the public may watch on YouTube and there will of course be the normal public access to the meeting room in County Hall, from which any member of the public may observe the meeting and make representations.

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3 Questions from the public

A period of up to 15 minutes will be allowed for members of the public to ask questions or make representations on any item on the agenda for this meeting. No statement or question shall be longer than three minutes and speakers will be timed.

On arrival, and before the start of the meeting, please register with the Democratic Services Officer.

4 Adoption of 'Meaningful Lives Matter - Our plan for a more inclusive Essex' (FP/574/11/22) 14 - 56

The Equality Comprehensive Impact Assessment is available [online](#) - please scroll to bottom of page.

5 Re-procurement of the on-site care and support services at four extra care schemes (FP/054/02/23) 57 - 66

The Equality Comprehensive Impact Assessment is available [online](#) - please scroll to bottom of page.

6 Procurement of a Four-Year Framework Agreement for Construction Projects (FP/063/03/23) 67 - 76

The Equality Comprehensive Impact Assessment is available [online](#) - please scroll to bottom of page.

7 Essex Housing LLP – Consent to dispose of Land in Epping Forest (FP/050/02/23) 77 - 86

The Equality Comprehensive Impact Assessment is available [online](#) - please scroll to bottom of page.

8 Decisions taken by or in consultation with Cabinet Members (FP/073/03/23) 87 - 89

9 Date of next meeting

To note that the next meeting of the Cabinet will take place at 10.15am on Tuesday 23 May in the Council Chamber at County Hall, Chelmsford, CM1 1QH.

10 Urgent Business

To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

11 Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

Committee: Cabinet

Enquiries to: Emma Tombs, Democratic Services Manager
Emma.tombs@essex.gov.uk

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note:

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership
(Quorum: 3)

Portfolio

Cllr Kevin Bentley	Leader of the Council (Chairman)
Cllr Louise McKinlay	Deputy Leader and Community, Equality, Partnerships and Performance (Vice-Chairman)
Cllr Tony Ball	Education Excellence, Life Long Learning and Employability
Cllr Malcolm Buckley	Waste Reduction and Recycling
Cllr Graham Butland	Devolution, the Arts, Heritage and Culture
Cllr Beverley Egan	Children's Services and Early Years
Cllr Lee Scott	Highways Maintenance and Sustainable Transport
Cllr John Spence	Adult Social Care and Health
Cllr Lesley Wagland	Economic Renewal, Infrastructure and Planning
Cllr Chris Whitbread	Finance, Resources and Corporate Affairs

Minutes of a meeting of the Cabinet that took place in the Council Chamber at County Hall at 10.15am on Tuesday 23 March 2023

Present:

Councillor	Cabinet Member Responsibility
Cllr Louise McKinlay	Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance (Chairman)
Cllr Tony Ball	Education Excellence, Lifelong Learning and Employability
Cllr Malcolm Buckley	Waste Reduction and Recycling
Cllr Graham Butland	The Arts, Heritage and Culture
Cllr Beverley Egan	Children's Services and Early Years
Cllr Lee Scott	Highways Maintenance and Sustainable Transport
Cllr John Spence	Health and Adult Social Care
Cllr Lesley Wagland	Economic Renewal, Infrastructure and Planning
Cllr Chris Whitbread	Finance, Resources and Corporate Affairs

Cllrs Mark Durham, Ivan Henderson, David King, Mike Mackrory, Mark Platt, Peter Schwier, Laureen Shaw and Andy Wiles were also present.

1. Membership, Apologies, Substitutions and Declarations of Interest.

The report of Membership, Apologies and Declarations was received and the following were noted:

1. There had been no changes of membership since the last meeting.
2. Apologies for absence had been received from Cllr Kevin Bentley, Leader of the Council, and Councillor Chris Pond, Leader of the Non-Aligned Group,
3. No declarations of interest were made under this agenda item. Councillor John Spence subsequently declared an interest in agenda item 8 (Public Health Accelerator Bids (PHAB) Grants Programme). Minute 8 below refers.

2. Minutes: 21 February 2023

The Minutes of the previous meeting, held on 21 February 2023, were approved as a correct record and signed by the Chairman.

3. Questions from the public

Two members of the public spoke in relation to agenda item 5 as shown in the published agenda (the agenda was subsequently reordered so that the matter

was considered as agenda item 4) - Recommissioning of Short Breaks Provision for Children with Disabilities. Mr Gary Knowles and Ms Lorraine Woodhouse asked the Cabinet to reconsider the recommendation to cease to use Lavender House in Colchester for overnight short night breaks. They advised that the facility had been of vital importance in supporting their families and others like them, and suggested that the alternative options as proposed within the report would not meet their needs or those of families using the service in the future.

The Chairman thanked Mr Knowles and Ms Woodhouse for attending and speaking at the meeting, and noted that the Cabinet Member for Children's Services and Early Years would respond to the points made in her presentation of the report.

Variation in the Order of Business

Upon the proposal of the Chairman, it was agreed to vary the order of the agenda to enable the following item to be considered as the next item of business.

4. Recommissioning of Short Breaks Provision for Children with Disabilities (FP/573/11/22)

The Cabinet received a report which set out the learning from the review of the current Overnight Short Breaks offer, providing recommendations to improve the offer.

The Cabinet Member for Children's Services and Early Years responded to points made by Councillors King, Henderson and Mackrory, which drew reference to a number of points made by the public speakers:

- The process that had been undertaken to reach the recommendations as set out in the report and the options available in respect of further review before a decision was taken;
- Whether the recommendations fulfilled the requirements of the Children Act (1989) with regard to providing choice when accessing services;
- The amount of savings achieved through the discontinuation of overnight short breaks at Lavender House;
- The relevance of comparing ECC services with those provided by other authorities;
- The impact of discontinuing overnight short breaks at Lavender House when there were already waiting lists to access the service;
- The longer term impact of the recommendation and whether future costs would be greater as a result.

The Cabinet Members for Education Excellence, Lifelong Learning and Employability, The Arts, Heritage and Culture, and Health and Adult Social Care noted their support for the recommendations and their confidence that the service to be provided would meet the needs of children and families. The

importance of continued communication and support being provided to the families that were affected was also noted.

Resolved:

1. Agreed to maintain a mixed economy of internal overnight provision, home-based provision, family based (delivered by ECC trained foster carers) and external provision for overnight short breaks for parents and carers of children and young people with special educational needs and/or disability which shall include:
 - i. Ceasing to use Lavender House in Colchester for overnight short night breaks with effect from 30 June 2023; and
 - ii. The extension of provision at the Maples in Harlow so that it operates with a minimum capacity of five beds and a maximum capacity of eight beds (dependent on the behavioural and social needs of the children staying) for seven nights of the week with effect from 30 June 2023.)
2. Noted that the Cabinet Member for Children's Services and Early Years will take a decision on the future use of Lavender House.

5. Proposed Extension of Contract – Essex Child and Family Wellbeing Services (FP/555/11/22)

The Cabinet received a report seeking approval to extend the current Essex Child and Family Wellbeing Service (ECFWS) contract for the maximum three years allowed.

The Cabinet Member for Children's Services and Early Years responded to questions from Councillors Mackrory and Henderson in relation to assurance that refugees of all ethnicities could access the service and the impact of closing sure start centres on demand for these services.

Resolved:

1. Agreed to extend the pre-birth to 19 contract with HCRG Care Limited by three years from 1 April 2024 to 30 April 2027.
2. Agreed to implement a three-year extension and vary the contract to allow for an increased contract price of £95.943m, to provide additional capacity in the service to deal with unforeseeable impacts of demand created by the number of refugees in Essex and the impact of the pandemic upon some young children.
3. Noted that although this increase does not affect the budget for 2023-24, it will exceed the indicative budget figures included in the Council's Medium Term Resource Strategy by £.256m over this period, therefore increasing the overall budget gap, and that the Children and Families Service will

seek to find funding to address the budget pressure created by this decision to bring overall budgets back in line with the MTRS.

6. Essex Adult Social Care Market Sustainability Plan (FP/014/01/23)

The Cabinet received a report seeking approval for the strategic priorities for the future of the Essex care market in the Essex Care Market Strategy and the Market Sustainability Plan.

The Cabinet Member for Health and Adult Social Care responded to questions from Councillors Henderson and Mackrory in relation to the possible impact on affordability of changes to charging thresholds, the level of overseas recruitment, and assurances regarding funding given the likely increase in the number of assessments needed.

Resolved:

1. Agreed to approve the Essex Market Shaping Strategy 2023-30 in the form appended to report FP/14/01/23.
2. Agreed to approve the Market Sustainability Plan for submission to Government by 27 March 2023 in the form appended to report FP/014/01.23.

7. Working Age and Older Adults Care and Support Provision Uplifts (FP/024/01/23)

The Cabinet considered a report which set out uplifts for care providers that operate supported living and extra care settings, and for those that work with working age adults with disabilities and mental health support needs.

The Cabinet Member for Health and Adult Social Care responded to a question from Councillor Mackrory regarding why an automatic uplift would not be applied for placements outside of the county.

Resolved:

Adults with Disabilities Supported Living Services:

1. Agreed to uplift fees by 11.1% from 1 April 2023 for all existing and new packages of care and support for Adults with Disabilities (AWD) residing in Supported Living accommodation, for providers within the administrative county of Essex, to £19.16 per hour for non-complex placements and £21.04 per hour for complex needs placements.

Adults with Disabilities Residential Services:

2. Agreed to uplift fees by 8% from 1 April 2023 for providers who have completed the Care Cubed assessment tool and provided the results to the Council; no uplift will be applied to a provider until they have engaged in this assessment process.
3. Agreed to uplift of core and 1:1 rate for new and existing placements on the Complex Residential Framework by a maximum of 8% from April 2023.

Mental Health Accommodation Services:

4. Agreed to uplift of fees by a maximum of 7.7% for all existing and new packages from April 2023 for services delivered under the new Mental Health Accommodation Pathway, and Supported to Independence, Intensive Enablement, and Intensive Enablement Plus services, with a capped rate of £19.16 per hour for non-complex packages and a capped rate of £21.04 per hour for complex needs packages

Mental Health Residential Services:

5. Agreed to uplift of fees by 8% for existing and new providers from April 2023.

Extra Care Services:

6. Agreed to uplift fees by up to 11.1% on average for all existing care and support plans for those older adults living within extra care accommodation, which equates to a fixed rate increase of £2.12 per hour from April 2023.
7. Agreed to give a new maximum rate of £21.04 per hour and minimum rate of £16.72 per hour, used for the placement of adults into Extra Care Schemes with effect from 2 April 2023.

Out of County Placements:

8. Agreed to increase by an individually agreed amount not exceeding the 'host' authority uplift across all services if (a) the provider requests this and provides supporting evidence and (b) in the case of residential care, only where the Council is satisfied that the provider has completed the Care Cubed toolkit and the results demonstrate appropriate value for money.

8. Public Health Accelerator Bids (PHAB) Grants Programme (FP/573/11/22)

The Cabinet considered a report which set out the case for a new public health programme for Essex to accelerate the implementation of the four themes of Everyone's Essex and the priorities outlined in the new Essex

County Council Wellbeing, Public Health and Communities business plan (2022-25).

The Cabinet Member for Health and Adult Social Care responded to questions from Councillors Mackrory and King regarding the inability to use funding for existing schemes and assurance around the ease of the application process. In making his responses the Cabinet Member for Health and Adult Social Care (Councillor John Spence) declared an other registrable interest in that he is a life Vice President of Essex Community Foundation. This organisation would be engaged with regarding the application process together with other relevant organisations.

Resolved:

1. Agreed to the use of up to £8m of the existing Public Health Reserve balance, within the Grant Equalisation Reserve, to fund a new Essex Public Health Accelerator Bids (PHAB) Programme for three years (2023/24, 2024/25 and 2025/26).
2. Agreed that the rules for the operation of the scheme are as set out in report FP/573/11/22, subject to modification for each funding round by the Director, Public Health and Wellbeing.
3. Agreed that no grants are to be made other than on terms and conditions approved by the Monitoring Officer or his nominee.
4. Noted that any draw-down from reserves will need to be approved in accordance with the Council's Financial Regulations and that the decisions requested in report FP/573/11/22 do not agree to the draw-down of any funding.

9. Update to the Social Value Policy – amendment to the ECC Themes and Outcomes (TOMS) (FP/040/02/23)

The Cabinet received a report which recommended changes to the Essex Themes and Outcomes (TOMS) contained within the Social Value Policy.

The Cabinet Member for Finance, Resources and Corporate Affairs responded to a question from Councillor King regarding the level of assurance that the outcomes could be delivered.

Resolved:

1. Agreed to amend the Social Value Policy and the ECC Themes and Outcomes (TOMS) to:
 - a. Remove the multipliers from the social value scoring process.
 - b. Include the new social value measures set out in Table A of Appendix 3 to report FP/040/02/23.

- c. Include the specific measurers set out in Appendix B of Appendix 3 to report FP/040/02/23 for use in construction contracts.
- d. Amend the existing social value measures and financial proxies set out in Table C of Appendix 3 to report FP/040/02/23.

10. Essex Housing Development LLP Annual Delivery Plan 2023/24 (FP/590/12/22)

A confidential appendix was considered in conjunction with this report (minute 15, below, refers).

The Cabinet received a report seeking approval of Annual Delivery Plan 2023/24 for Essex Housing Development LLP.

The Cabinet Member for Economic Renewal, Infrastructure and Planning

Resolved:

1. Agreed to approve the Essex Housing Annual Delivery Plan 2023/24 contained in the Confidential Appendix to report FP/590/12/22).
2. Noted that further formal decisions will need to be taken for each site for development, financing and land disposal to Essex Housing Development LLP for 2023/24 as set out in paragraph 3.10 of report FP/590/12/22).

11. Decisions taken by or in consultation with Cabinet Members (FP/045/02/23)

The report was noted.

12. Date of the next meeting

Noted that the next meeting of the Cabinet would take place at 10.15am on Tuesday 18 April 2023 in the Council Chamber at County Hall, Chelmsford, CM1 1QH.

13. Urgent business

There was no urgent business.

Exclusion of the Press and Public

Resolved:

That the press and public be excluded from the meeting during consideration of the remaining item of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraph 3 of Schedule 12A of the Local Government Act 1972 – information relating to the financial or business affairs of any particular person).

14. Confidential Appendix: Essex Housing Annual Delivery Plan (FP/590/12/22)

The confidential appendix to report FP/590/12/22, to which minute 11, above, refers, was agreed.

15. Urgent Exempt Business

There was no urgent exempt business.

There being no further business, the meeting closed at 11.36am.

Forward Plan reference number: FP/574/11/22

Report title: Adoption of 'Meaningful Lives Matter - Our plan for a more inclusive Essex'	
Report to: Cabinet	
Report author: Cllr John Spence, Cabinet Member for Adult Social Care and Health	
Date: 18 April 2023	For: Decision
Enquiries to: Ruth Harrington, Director of ASC for Adults with Disabilities (Ruth.Harrington@essex.gov.uk) or Christopher Martin, Director of Strategic Commissioning and Policy for Children and Families (Chris.Martin2@essex.gov.uk) or Rachel Williams, Senior Policy Advisor (Rachel.Williams@essex.gov.uk)	
County Divisions affected: All Essex	

1. Everyone's Essex

- 1.1 Supporting residents to live independently by assisting them to access suitable accommodation, supporting access to employment and meaningful activities, and enabling independence at home are fundamental ambitions for Essex County Council.
- 1.2 These ambitions are reflected strongly in a new document, '*Meaningful Lives Matter - Our plan for a more inclusive Essex.*' Its aim is to enable people with disabilities to live the best lives they can.
- 1.3 The document sets a clear ambition and commitment to help improve the lives of people with disabilities. It is for the next 4 years and covers adults in Essex who have a learning disability, a physical disability, or a sensory impairment, and adults who have autism or neurodivergence that affects them in a way that they experience to be disabling.
- 1.4 The document describes the four most important things people with disabilities have told us they want from their lives; good relationships, a place to call home, to be safe and well, and meaningful activity. The document sets out where we need to address barriers to these things and will guide our future work with adults with disabilities to help do this.
- 1.5 The document aligns closely with the Everyone's Essex 4-year plan for levelling up, particularly its focus on promoting health, care, and wellbeing for everyone who need support. It also aligns with the strategic framework set out within the Adult Social Care business plan and links to related strategies such as the carers strategy and all-age autism strategy. It is in accordance with ECC's objectives around climate change.

2 Recommendations

- 2.1 Adopt Meaningful Lives Matter, our Plan for a more inclusive Essex in the form appended to this report.
- 2.2 Note that officers are working on a plan for implementation and a funding request which they intend to present to the Cabinet Member for Adult Social Care and Health and the Cabinet Member for Finance, Resources and Corporate Affairs for formal approval.

3 Background and Proposal

- 3.1 People with disabilities have the right to a full life, but they are often marginalised within our society. Whilst the current social care offer enables many good outcomes, we know that these are not always consistent. Demographics and demand for services are challenging and require us to use resources efficiently and ensure sustainability within the system.
- 3.2 There is opportunity to address barriers in society and to better provide what people with disabilities want from their lives. A clear strategic ambition and commitment to people in Essex will help focus efforts on delivering a more holistic, person-centred and lifetime approach for people with disabilities.
- 3.3 Over the last few years, engagement with people with disabilities and the carers, providers and partners who have a role in providing support to them has indicated what people want in their lives and what their main strengths and challenges are. Over the past year we have undertaken more focused engagement such as surveys, 1:1 interviews and group discussion sessions. Our learning from these has uncovered four key aspirations that people with disabilities have told us are most important to them in their lives and that have formed the core of the document. These are:
 - 3.3.1 Meaningful relationships within a community, including with families, partners, friends, groups of people with similar interests and paid or unpaid carers
 - 3.3.2 A suitable place to live and call home, whether that is a person's own home or other accommodation that best allows their needs to be met
 - 3.3.3 Ability to maintain as good health and wellbeing as possible, including financial wellbeing, and personal safety
 - 3.3.4 Access to meaningful activity during the day, such as education, employment and volunteering, or other fulfilling day activities, which may include opportunities to contribute to society and the economy.
- 3.4 The document aligns closely with 'Everyone's Essex'. It links to the strategic framework set out within the Adult Social Care (ASC) business plan, contributing towards the ASC vision of 'enabling people to live their lives to the fullest.' It also connects with related strategies such as the Carers Strategy.

- 3.5 The document is in accordance with the Care Act and its principles around community-based support and prevention, and the Health and Care Act and integration.
- 3.6 ECC consulted with the public over a twelve-week period between 1 December and 23 February. We invited feedback on the content of the strategy from all residents of Essex and, in particular, people with disabilities, their carers and families and people who support people with disabilities as part of their work. The consultation was made as accessible to a wide range of needs as possible and has included in-person and online focus groups and drop-in sessions with people with disabilities. In total 213 people were engaged in the consultation.
- 3.7 Feedback received in the consultation showed us that the vast majority of people agreed with the priorities and areas of focus of the strategy document. However, it highlighted that a few aspects were missing, the most frequently mentioned of which was the need for information and help to access financial support. We have amended the document to include this aspect, incorporating information and support with finances within the theme of staying safe and well to recognise that financial wellbeing is an important component of overall wellbeing.
- 3.8 Other aspects that people felt were missing included transitions from children to adult services, and better awareness and understanding around disability in communities. We have addressed this by adding in specific reference to including young people coming into adulthood and adding in that we will work to help communities to learn more about disabilities as an area of focus. Timely access to support was also raised, particularly in relation to finding the right place to live with the right support, and we have acknowledged this challenge as something we wish to achieve within the strategy.
- 3.9 A number of respondents made the point that it was important for services to be accessible and to take a person-centred approach. We have reviewed the document and believe that this is already well embedded within it but made sure this was the case.
- 3.10 Some respondents raised issues relating to the education system and informal carers but these were intended to be outside of the scope of the strategy and we are not proposing to bring them in as they are for other policies and strategies.
- 3.11 Some people asked for a commitment to always ensuring a consistent relationship with the same care professional but we feel that this is not realistically always achievable and felt that other areas of focus within the strategy will help contribute to a coherent level of support.
- 3.12 Autism is not included in the draft document. This was considered but not included because a person with autism may not be disabled. If they are disabled they would be included within the document. A significant number of people felt strongly that autism on its own should be included within the document. To recognise this, we have extended the document's scope to include people with

autism where they experience it to be disabling, regardless of whether they have disability.

3.13 It is proposed that the document will be launched online and at an in-person event in May 2023.

3.14 We are working on implementation of the document and will bring a further report forward as a key decision in the summer which agrees the action plan and how its delivery will be funded. An indicative list of activities which will be considered for inclusion in the plan is the Meaningful Lives Matter programme 'plan on a page,' which is at appendix 4, but this is an emerging document and Cabinet is not asked to adopt it at this stage clearly all such activities are subject to funding,

4 Links to our Strategic Ambitions

4.1 This report links to the following aims in the Essex Vision:

- Enjoy life into old age
- Strengthen communities through participation
- Connect us to each other and the world
- Share prosperity with everyone

4.2 Approving the recommendations in this report will have the following impact on the Council's ambition to be net carbon neutral by 2050:

- Consideration of how future work to support adults with disabilities help protect the environment by reducing carbon emissions and environmental damage.

4.3 This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':

- Health wellbeing and independence for all ages

5 Options

5.1 **Option 1:** Do not endorse the document and continue to work towards delivering the Adult Social Care business plan without a specific document in place. This option is not recommended because there will be a lack of strategic direction to unite the different work underway to support people with disabilities. This therefore makes it more difficult to plan and prioritise which may adversely affect the delivery or effectiveness of future initiatives. It also misses an opportunity to make visible to the public, partners, and our workforce what we have learned is needed and to commit to doing this for people with disabilities.

5.2 **Option 2 (Recommended):** Adopt the document. This option is recommended because it provides a clear strategic direction for future work and communicates this clearly to our workforce, partners, and the public. It supports us to prioritise our work and deliver better outcomes for people with disabilities

and allows us to review and measure what we achieve going forwards against our stated aims and aspirations.

6 Issues for Consideration

6.1 Financial implications

6.1.1 The Council currently spends £277m per annum on people with disabilities.

Whilst there are no direct additional financial implications associated with this decision, there is a risk costs increase due to demographic pressures and our ambition to support people proactively, but the aim is to mitigate this with a focus on early intervention and prevention of costs in the long term.

6.1.2 The document will require some investment in training that cannot yet be quantified. There is a project budget that will be able to fund small investments in delivering this document. It is understood that officers are developing an action plan to set out what the Council is intending to do to implement the aims of Meaningful Lives Matter. It is further understood that a further report for key decision is planned to agree the action plan and request additional funding from reserves.

6.1.3 Any further investment required to support the document will be subject to separate governance as and when required.

6.2 Legal implications

6.2.1 It is lawful to adopt the proposed document. Whilst it is slightly unusual to adopt a high level plan without the resources and plan for implementation, this is not unlawful and it is intended to remedy this omission in the next few months.

7 Equality and Diversity Considerations

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that 'marriage and civil partnership'

is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

- 7.3 The Equalities Comprehensive Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. Instead, they will have a positive impact for people with disabilities and also older people.

8 List of Appendices

- 8.1 Appendix 1: Meaningful Lives Matter – Our plan for a more inclusive Essex
- 8.2 Appendix 2: Equalities Comprehensive Impact Assessment
- 8.3 Appendix 3: Engagement and consultation findings pack
- 8.4 Appendix 4: Meaningful Lives Matter – emerging plan on a page (not adopted)

9 List of Background Papers

- 9.1 QA Research report findings

Meaningful Lives Matter

Our plan for a more
inclusive Essex



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Foreword by Councillor John Spence

As someone who has been blind for over 30 years, I know at first hand how others can – quite understandably – focus on what disabled people cannot do, rather than what we can.

From their earliest days, disabled children may experience protective parents concerned for their welfare. They may experience challenges in understanding how best their challenges can be met, whether in school or in their voluntary activities. Moving on to higher education and the workplace can be quite a challenge.

Yet my overall experience, when thinking of all those whom I have met, and with whom I have worked and played, is that those who are disabled want to live in exactly the same way as all those around them. They want to enjoy quality of life and, where possible, live independently of others; to progress in their chosen workplace and leisure activities; to have people offer respect because of what they do, rather than sympathy or sadness.

At the heart of the County’s disability strategy is this ambition. Our vision is for people with disabilities to live the best lives they can. In this strategy document, Essex County Council sets out how we will work with individuals to achieve a series of goals. We understand that this strategy needs to be the platform on which world-class plans are achieved and delivered. We need to work constantly to ensure full integration both with other County Council pieces of work, such as the carers strategy; and with all the plans being delivered through other strategic and voluntary organisations at national, county and district levels.



Introduction

People with disabilities have the right to the best life they can have. But right now they often get left out of things.

The things that are important to us, and make all our lives meaningful, do not always happen for people with disabilities.

We believe that people are disabled by barriers - things in the world around them that stop them from living a normal life - instead of by their health problem or how they are different from other people. We want to remove barriers so that people can live better lives.

We are already helping lots of people in Essex to live the best life they can. We need to make sure this is the case for every person. We want to help people get what they want and expect from their lives. To do this, we will support people by understanding who they are as a person and what they might need across the whole of their life.

The number of people who have a disability and who might need help from social care is going up. We need to use our money carefully to make sure we have enough to help people in the future.

“ This plan will set out the change we want to bring about. It will make a commitment to people in Essex who have a disability. It will show where we can work better together with others. ”

The Meaningful Lives Matter¹ work is already helping to make life better for people with learning disabilities and autism in Essex. Now we want it to help make life better for people with sight and hearing loss and physical disabilities too.

What is this strategy about?

This strategy will help us plan what needs to change.

It will include:

- how things are being done now
- how people feel about things now
- what we need to do in the future to make things better

This strategy is for people in Essex who have:

- a learning disability
- a physical disability including people with brain injury
- a sensory impairment – part or full loss of eyesight and/or hearing.

This includes ‘invisible’ disabilities that are not easy for others to see.

The strategy covers people who have more than one disability. It covers people who have autism as well as one of these disabilities or who consider their autism itself to be a disability. The strategy does not cover everyone who has autism or neurodivergence, as these do not always mean a person has a disability. People with autism might also be interested in our All-age autism strategy², which was developed through the Essex All Age Autism Partnership. People with mental ill health might be interested in the Mental Health Strategy, which will be published later this year.

We recognise that language is important when talking about disability and autism. Different people prefer different terms. For example, some people use the terms ‘autistic people’ and ‘disabled people’, ‘neurodiverse, autistic or disabled community’, ‘people with autism’ and ‘people with disabilities’, or others.

In this document, we will be using the terms ‘people with autism’ and ‘people with disabilities’.

Some people have support from social care. Other people are not in contact with social care.

We are looking at the things that help people in life. This will include:

- where people live
- who they spend time with
- what they do for work or in their free time
- health services
- social care services

To write this strategy we have spoken with lots of people with disabilities and listened to their experiences and ideas. We have spoken with families and carers. We have spoken with other organisations.

We learnt that for a good strategy:

- we need to keep talking and working with people
- we need to be creative and bold
- we need to measure whether we are making things better and how much.



The strategy is for the next 4 years. We cannot do everything in 4 years, but we can make a good start.

How does this strategy link to other strategies?

The Disability Strategy will work towards the Everyone's Essex plan: our plan for levelling up the county³.

The plan has four areas of focus: the economy; the environment; children and families; and promoting health, care and wellbeing for everyone who needs support – this last one is a very important part of the strategy.

Our plan for levelling up has a focus on children and adults with learning disabilities. We know that these groups, along with some others, need extra help to access opportunities.

This strategy will work together with other things we have to do and choose to do:

- Equality Act 2010⁴
- Accessible Information Standard 2016⁵
- The Care Act 2014⁶
- Levelling Up Essex 2022⁷
- Essex Mental Health Strategy
- Essex SEND Strategy 2022-2027⁸
- Essex All-age autism strategy 2020-2025⁹
- Essex Carers Strategy 2022¹⁰
- Essex Ageing Well approach
- Essex Joint Health and Wellbeing Strategy 2022-2026¹¹
- Essex County Council Housing Strategy 2021-2025¹²



Why is this strategy important?

There are more people with disabilities living in Essex every year. About 1 in every 6 people in Essex has a long-term health problem or disability.

There are also more people with disabilities who need help every year. This is partly because some people did not get the help they needed during the pandemic. Other people feel more alone and are less independent since the pandemic.



Some people get help from social care. Some people get help from other places. We want to make sure everyone gets the help they need. Where we can, we also want to stop people's needs getting worse.

Lots of people with a learning disability tell us that they have enough social contact. Many also say that they can spend time on things they enjoy. But this is not true for everyone.

-  **Over 30%** of people with physical or sensory needs tell us they do not have enough **social contact**.
-  **Over 40%** of people with physical or sensory needs say they **cannot do the things they want to do**.

It is getting harder to pay for all the things we would like to. It is not clear how much money we will have in the future or what it will need to cover. Because of this we need to spend money carefully.

Adult Social Care in Essex

In Adult Social Care we want to help people and communities to live the best lives they can.

This strategy will help us work towards the things we want to make happen for people. We want people to:

- have friends and have people around them that they love
- be independent and feel good about themselves
- have choice and control over their lives
- be able to work if they choose to
- access meaningful activity
- get the same good health and care service as everyone else
- have a comfortable home
- be involved in their local community
- be safe.



This strategy will also be guided by how we work in Adult Social Care:

- We work together with many different organisations
- We make sure our care and support is right for each individual person
- We do everything we can to support people as close to where they live as we can.
- We are always trying to improve what we do
- We work with you to decide what is needed and what works best.
- We always try to deal with problems as soon as we can, before things get worse.



There are some extra things that are important for people with disabilities:

- Individuals should feel their disability is fully understood by the people around them,
- Support should change when needs change.

We have talked
with lots of people
with disabilities.

We have learned that:



people want to have **good relationships**.



people want to live somewhere that
feels like home.



people want to stay **healthy, well and safe**.



people want to do things that are **important to them and their community** and that help them to feel part of something. This might include working in a job or learning new things.

We will look at each of these things in more detail. There are links that go between each of them and some ideas that keep coming up in all of them.

For example, people want to:

- ✓ make choices
- ✓ get the care and support they need when they need it
- ✓ be seen as they are and for what they can do as well as what they cannot
- ✓ be treated with respect



Good relationships

What you told us

You told us that you want to grow and keep good relationships in your life.

Many people said they like to spend time with people that they get on well with. People want to love and be loved and have people around them who understand them and their disability too. Sometimes you also need help from other people. You might get help from your family or friends, or from a person whose job it is to help you.

Some people feel left out from the normal things that others do together. You might find it hard to access local places or not know about groups you could join. Some of you do not feel safe going out alone or lack confidence. Because of this you might feel lonely or have difficulties with your health and wellbeing. The COVID-19 pandemic has made this worse for lots of you.

“It’s really hard to meet up with other people like you. So that makes you feel very isolated and alone. I don’t know if there is any groups for disabled people in my local area. And I wouldn’t have a clue where to find that information either...”

“I tend to find myself either decline invitations or [say] yeah, yeah, I’d really love to come and then cancel at the last minute, because it’s just too much hassle and overwhelming.”

Some people only have a small group of people who are there for them. This means that the carers they need help from have to work very hard.

Carers and support workers do not always understand disabilities. This might mean people do not get support the way they need it. Other people you meet often do not understand disabilities, especially disabilities that are harder to see. Some of you feel judged by others because of this.

“People see me in that snapshot in a shop... they think ‘what’s wrong with her’?...but they don’t know I’ve had to go and lie down for like the rest of the day.”



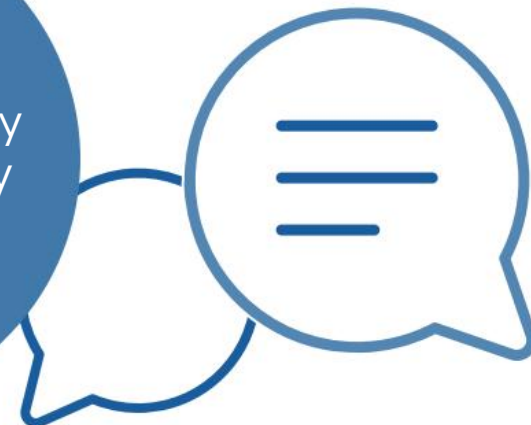
What else do we know?

People with disabilities are more likely to feel lonely than other people. Over 30% of people with physical or sensory needs told us they did not have enough social contact. Lots of people in society do not understand how certain health problems or disabilities affect people. Some people do not have the right help to be able to communicate with others or to go out to places to meet people.

Lots of people who have help from social care have good conversations with their social worker. They are seen for who they are. But there are not enough social workers and people sometimes wait a long time to see one. Social workers are busy and can be rushed. They spend less time face-to-face with people than they used to. This sometimes means they do not have time to help people plan for the future.

We found out lots about what carers need when we spoke with them. This can be seen in the [**Carers Strategy**](#)¹³.

Over 30%
of people with
physical or sensory
needs told us they
did not have
enough social
contact.



Where do we need to focus?

We will make sure that in the future:

- more people have the chance to love others and be loved
- people feel more a part of their local community
- people feel closer to other people who like the same things they do
- people feel better understood by those around them.

Some people need help to go out, make connections and to see friends. We want to make it easy for people to find and get the help they need to keep up or make new relationships.

We are making changes to how people who work in social care help people. They will:

- understand that everyone deserves to have loving relationships
- help people to stay close to their friends and family
- help people make new friends if they want to
- understand every single person is different. This includes understanding different disabilities and understanding trauma
- help people with their communication.

To do this, we will look at how we find the right staff within our services and the services we pay for. We will support staff to have the right skills and to have the time to meet with people face-to-face. We will support all staff to think about the good relationships we need and how we help people find and keep these relationships at different times in our lives. This includes for young people as they come into adulthood.

We will also work with communities. Communities are found in local places like the village or town where you live or where people who enjoy the same things come together. They might include groups of people who meet up to talk about a shared interest or do activities they enjoy together. We will help communities to learn more about disabilities. We will ask them to welcome and include people with disabilities. We want community spaces to be easy to access and feel safe.

“ We need to listen to
and work with people with
disabilities more. This will
help make sure change
makes things better. ”



A place to feel at home

What you told us

You told us that where you live is important. You want to live in a safe place that feels like home. You need your home to work for you.

This means you can move around and do things within your home. It may also mean it is close to transport that you can access and places that you can go out to.

You want to have a choice in where you live. Some people want to live on their own. Most people want to live close to family and friends and feel part of their local area.

The right care and support is important to making your home work for you. Some people have to go a long way from their local area to find the right place to live with the right support. It can also take a long time to find the right place.

“We’ve basically been in that position for the last four years, we’ve had about four different assessments done. And we’re kind of still just stuck in a position where the living conditions aren’t brilliant.”

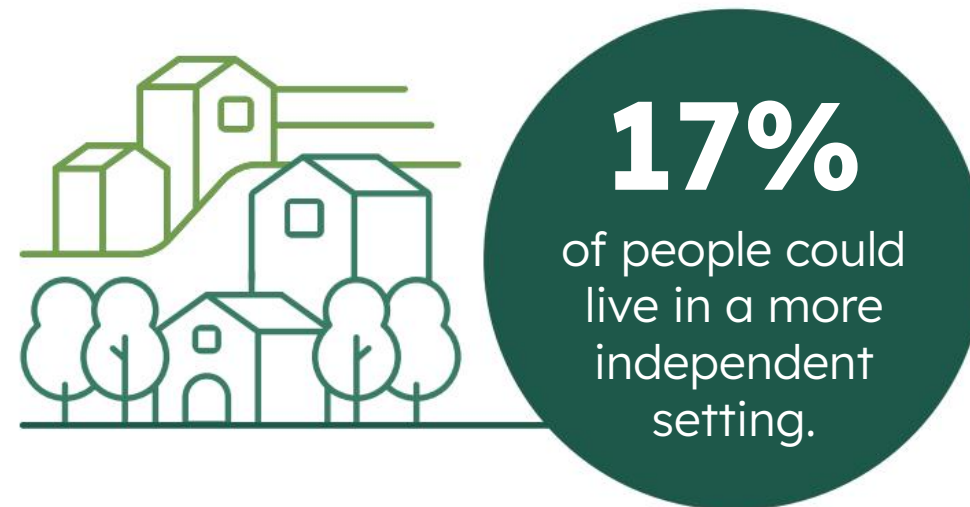
What else do we know?

20% of people with physical or sensory needs tell us that their home does not meet all their needs. There are not enough of the right places to live for some people with complex needs. There are not enough care workers with the right skills in some areas.

In October 2022, 215 people with learning disabilities were living in out-of-county supported living or residential care. This is too many.

Some people could live more independently than they do now. People do not always have information on what is available.

Services are not always set up to help people to progress.



Where do we need to focus?

We will make sure that in the future:

- more people have their own home if they want this. This might be a private home or in **Supported Living**¹⁴. This will help them to be more independent.
- more people have short-term help to learn independent living skills. This could be through living with a Shared Lives host. Or it could be another option, such as a short-term residential services.
- there will be suitable housing options for adults with very complex needs.

To do this we are making changes to how social workers and care staff help people. They will:

- work to help people to be more independent
- focus on what a person can do instead of what they cannot
- help people to make choices and plans.

We will also work with the care market to increase the choice of places to live within Essex. We want as many people as possible to have their own front door. We will help to make sure people have the information they need to find the right home for them.

The right technology and equipment can help people to live in their own home or access the community independently. It can also help to keep people safe and reassure families without being too intrusive. We will help to make sure there is enough of this and that it is easy to find.





Staying healthy, safe and well

What you told us

You told us that looking after your health is important. You would like to stay well and be able to get help quickly if you are unwell. You also want to feel safe.

You do not always have the right information to know about what could help you, especially early on in adult life. This makes it hard for you to keep yourself well. Sometimes there is a long wait for services. When you do use services, you may have to repeat the same information about yourself lots of times. You may find your preferred methods of communication are not recorded.

You would like to feel more in control of your health and care. Getting an illness or disability can change your life and be difficult to deal with. If you need help with your mental health, you need this to be from someone who understands your disability.

Some people find it hard to plan for the future. Many do not think about how their health might change over time or as they get older. Lots of people are worried about money. Having a disability can come with lots of extra costs. The benefits system can be complicated and stressful to use. Lots of people need extra help with this.

What else do we know?

Over 30% of people with disabilities say they do not feel as safe as they would like.

Disability can be a result of illness. Disability also makes poor health and mental illness more likely.

The number of health checks for people with learning disabilities has been increasing year on year and continues to do so. More people also have a Health Action Plan.

Yet many people with learning disabilities die earlier in life than other people. They are more likely to be unwell with physical or mental illness and not get the right treatment quickly enough.

People with learning disabilities on average **die 15 – 20 years sooner** than other people.

Poor health and disability increase the need for social care. People often do not plan ahead for changes in their health.

More people feel alone or have had mental illness since the pandemic. The things that help them may have stopped or had delays. Lots of people are finding things hard because of the cost of living.

We know that services like health and social care are not always joined up. Services can be hard to access.

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Where do we need to focus?

We will make sure that in the future:

- more people feel that their physical and mental health is good
- more people know how to feel even better
- people have the technology and equipment that helps them to live their lives
- people can get information and support to help them with their finances.

To do this we will work with partners like the NHS to:

- grow skills and awareness around disabilities
- help stop people getting unwell where we can
- diagnose people quickly and make sure their needs are known about
- help people recover their health or increase what they can do after an illness or injury
- make sure services help people with disabilities to be active and healthy
- give people control over their own health and care records
- help people to plan ahead for changes in health and finances

This will include sharing information, costs and staff to make sure services join up.

To do this, we will take action on things that make it more likely for people to get unwell. For example, where people do not have a job or enough money, or live in poor housing.

We will help people get the information and treatment they need to get well and stay well. This includes young people who are leaving school or college. All services should meet the **Accessible Information Standard**¹⁵.



Being active

What you told us

You told us that you like to do things that are important to you and your community. You want to feel part of something.

Some of you would like to have a job or keep and develop the jobs you have. Some of you want to learn new things or help other people. You want to play a role in the world around you, spend time with other people and have fun.

However, it can be difficult to find a job or information about what it is like to have a job, the support available and how having a job will impact benefits. There are also barriers in both applying for jobs and getting to work. You might feel limited in the types of jobs you can apply for.

“ But I’m at the point now where I would like to do something, but trying to get a job, with the conditions I’ve got and the fact that I’m probably not that reliable...its quite hard to get a job. ”

Some people have low confidence in their skills and abilities. Lots of people feel that those around them have low expectations of them.

What else do we know?

People with disabilities are less likely to have a job than other people. If they have a job, they are less likely to be paid for the work that they do.

Lots of people do not understand how certain health problems or disabilities affect people. This can make it harder to work with a disability.



Where do we need to focus?

We will make sure that in the future:

- more people who want to work will be able to work
- people who already work feel supported in their job and able to progress
- people have choice and control over what they do every day.

To help more people with disabilities start and stay in a job, we will:

- make sure this is part of conversations with social workers and support workers
- include a person’s family in conversations about getting and keeping a job
- focus on what people can do instead of what they cannot do.
- talk to businesses about why they should give more paid jobs to people with disabilities, and help them to do this
- help people to access transport to get to work.

We help young people to get ready for their adult lives. An important part of this for lots of young people is getting ready to get a job and go to work.

For people who cannot work right now, we will help them to do other things that are important to them. They might like to go out in their community or visit new places, volunteer or learn a new skill or hobby.



How we will make it happen

We recognise that everyone with a disability has different lives, strengths and ambitions.

We will need to do different things for different people to meet our ambitions.



The Meaningful Lives Matter project is working towards the four goals in this strategy in the following ways:



For good relationships

Local Linked Support teams are helping people with learning disabilities and/ or autism to build relationships with others. We would like to expand this kind of support to people with a physical or sensory need. Our “Bfriends” peer support and mentoring service is being piloted. If that goes well, we could expand this across Essex.



For a place to feel home

We have “Move On Workers” to help adults move to the most suitable home for them. We are looking at developing purpose-built accommodation for people with brain injuries.



For staying healthy, safe and well

We are working with health services to make it easier for people to use services. We want to make sure staff understand, and are well trained to look after people as they get older. We are making changes to the Essex Sensory Service. This is so it will have better advice and guidance and shorter waiting times.

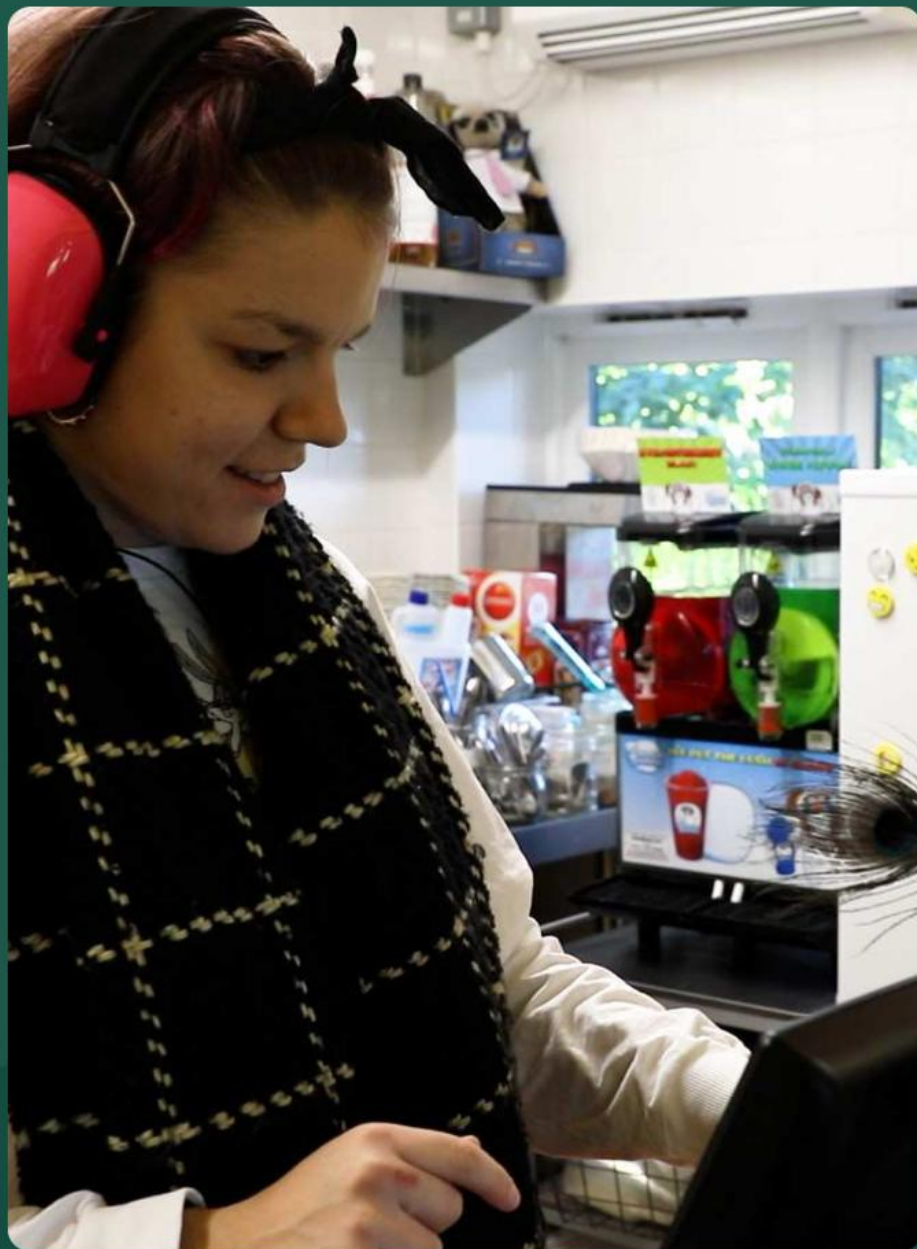


For being active

We are working hard to help people get and stay in paid work. We work with local businesses to get them to give paid jobs to people with a learning disability and/or autism. We have one of the biggest inclusive employment services in the country. We are looking at how this service can grow even more. We want to work with care providers to make sure activities help people to learn new skills. We also want activities to connect people to their communities.



Between April – September 2022
an average of 23 people a month
were supported into inclusive employment.



We will continue to empower people with disabilities and their carers and families to work with us as partners in making sure people get the care and support they need.

We will continue to make these planned changes but also:

- think about the order in which things need to happen and what is most important
- continue to empower people with disabilities and their carers and families to work with us as partners in making sure people get the care and support they need
- keep people up to date on what is happening, using the Meaningful Lives Matter programme
- test new ideas before rolling them out
- spend money carefully and on the right things
- consider how our work can help protect and reduce harm to the environment

We will make sure that other work going on supports this strategy. This includes work around:

- social care practice and workforce
- the different services that are on offer. For example, helping to make more places suitable for people with disabilities to live.
- joining up health and care services. For example, asking health partners to look at how their plans can keep people healthy
- technology
- data and information



We will think about other ways we can make changes. This could include:

- teaching people to be more aware of disabilities and how to make sure services are easy to access
- working with a range of organisations like the police, job centres, leisure centres and teams that plan new places
- sharing information with people and communities

The Adult Leadership Team at ECC will oversee what needs to happen in Adult Social Care. This group has directors for different parts of Essex. It also has other senior people from ECC.

How we will know it has worked

We will look to talk with people with disabilities about how things are going in their lives. We will also look at data. We want to understand how things are changing. We want to make sure things get better over time.

We will aim to measure things like:

- the number of adults we have helped to move from a residential home to community care. We want this to go up.
- the number of adults who have received a learning disability health check and health action plan from their GP practice. We want this to go up.
- the % of adults who had all their needs met by Local Linked Support. We want this to go up.
- the % change in adults’ ‘happiness index’ after using Local Linked Support. We want this to go up.
- the number of new Shared Lives placements. We want this to go up.
- the number of people living in residential care or supported living outside Essex. We want this to go down.
- the number of people with disabilities who have a paid job. We want this to go up.
- the % of people with disabilities who live in a care home. We want this to go down.

- the % of people who have help from social care who are moving towards their personal goals. We want this to go up.
- the % of people who have help from social care who have three or more ‘good’ relationships in their life. We want this to go up.

Where we can, we will look at how things are changing in different parts of Essex. We will also look at how things are changing for people of different race, gender, and sexual orientation. This is because we want things to get better for everyone. We want the change to be fair.

We want things to get **better for everyone.**

We want the change **to be fair.**



Section
4

The budget

Essex has £835m in the budget to spend over the next 3 years on services that support adults with a physical, sensory or learning disability and/ or autism.

There is also £45m to support young adults aged 18-25 within the Transitions service, and £15m for in-house services such as Shared Lives, Short Breaks respite care and Short-Term Enablement.

Within the context of financial constraints, increasing demand, pandemic recovery and closer working with health partners, adults with disabilities are a priority for Essex County Council.

A key part of this strategy will be delivering good outcomes efficiently within the financial resource available against rising demand.

Any investments needed to support the action plan to deliver the strategy will be subject to a separate decision.



Endnotes

1 <https://www.facebook.com/MeaningfulLivesEssex>

2 <https://www.snapcharity.org/wp-content/uploads/2020/06/All-age-autism-strategy-EasyRead-2020-2025.pdf>

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8 <https://schools.essex.gov.uk/pupils/SEND/Documents/9456%20SEND%20Strategy%202022-27%20ACCESSIBLE.pdf>

9 <https://www.snapcharity.org/wp-content/uploads/2020/06/All-age-autism-strategy-EasyRead-2020-2025.pdf>

10 <https://assets.ctfassets.net/knkzaf64jx5x/6k7ITuiQFI8oo4oDCO8uQQ/6b3f4e0deebec1055db863c460be77a0/Essex-All-Age-Carers-Strategy-2022-2026.pdf>

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13 <https://assets.ctfassets.net/knkzaf64jx5x/6k7ITuiQFI8oo4oDCO8uQQ/6b3f4e0deebec1055db863c460be77a0/Essex-All-Age-Carers-Strategy-2022-2026.pdf>

14 https://assets.ctfassets.net/knkzaf64jx5x/7myoUR2QyAve0IrdQClxM9/9f174ecb8c8c43fe01db3000f66e4dc9/Supported_Living_Easy_Read_Guide.pdf

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formats, on request.

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Disability Strategy Engagement and Consultation findings

March 2023

What is this engagement report?

During the process of creating Essex County Council's new Disability Strategy, we have conducted various forms of engagement and consultation with adults, partners, staff, and providers. This has included one-to-one interviews conducted by QA Research, an independent research organisation, as well as forums, formal & informal meetings, and various surveys.

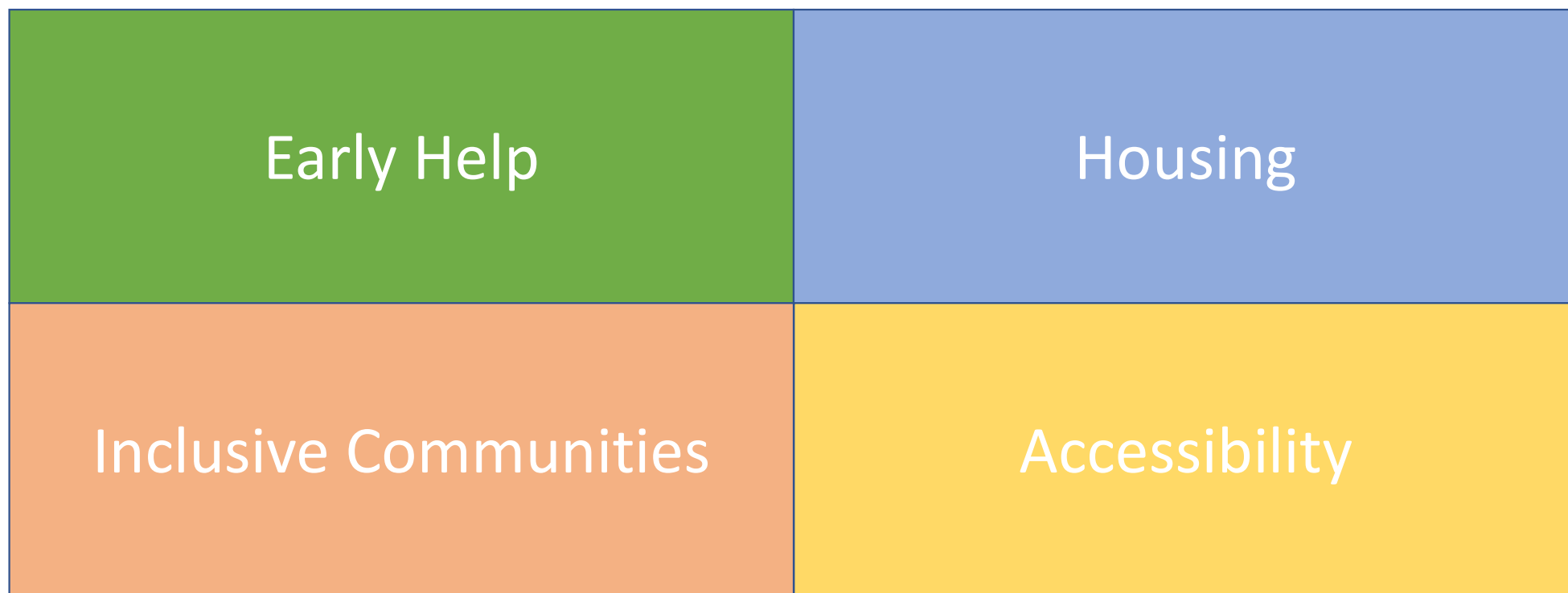
This was with the aim of capturing key themes regarding what is important to include within the strategy and the workings behind it. An important part of the creation of a strategy to ensure it meets the requirements and needs of those who it will impact the most.

This pack documents the findings and also helps to show how the key themes of our engagement have gone on to help shape the strategy.



Engagement Feedback

Engagement Priorities



Engagement Feedback

Early Help

I am not getting help early enough – Work for Change

Adults with lived experience were sent a questionnaire and took part in a two-day workshop to establish what needed prioritising to shape the future of our sensory service..

One key theme that came out was that adults felt they were not receiving support early enough. Also, that they were in need of extra and on-going support.

Housing

People want to feel safe in their home – Collaborate Essex

Our work with Collaborate Essex helped to show the importance of housing for residents and how it ties in to other key topics such as choice & control, being a part of a community, and accessibility.

Similarly, the QA research revealed that respondents were concerned that housing was a real concern for people and made them anxious about the future.

Engagement Feedback

Inclusive Communities

[Adults] want inclusion within communities and social networks – Provider Survey

Being a part of a community helps adults to feel accepted and allows them to more easily find meaningful activity.

A well developed community can also offer additional support to adults. The QA research showed that some adults were already providing informal support to other people with disabilities in their community.

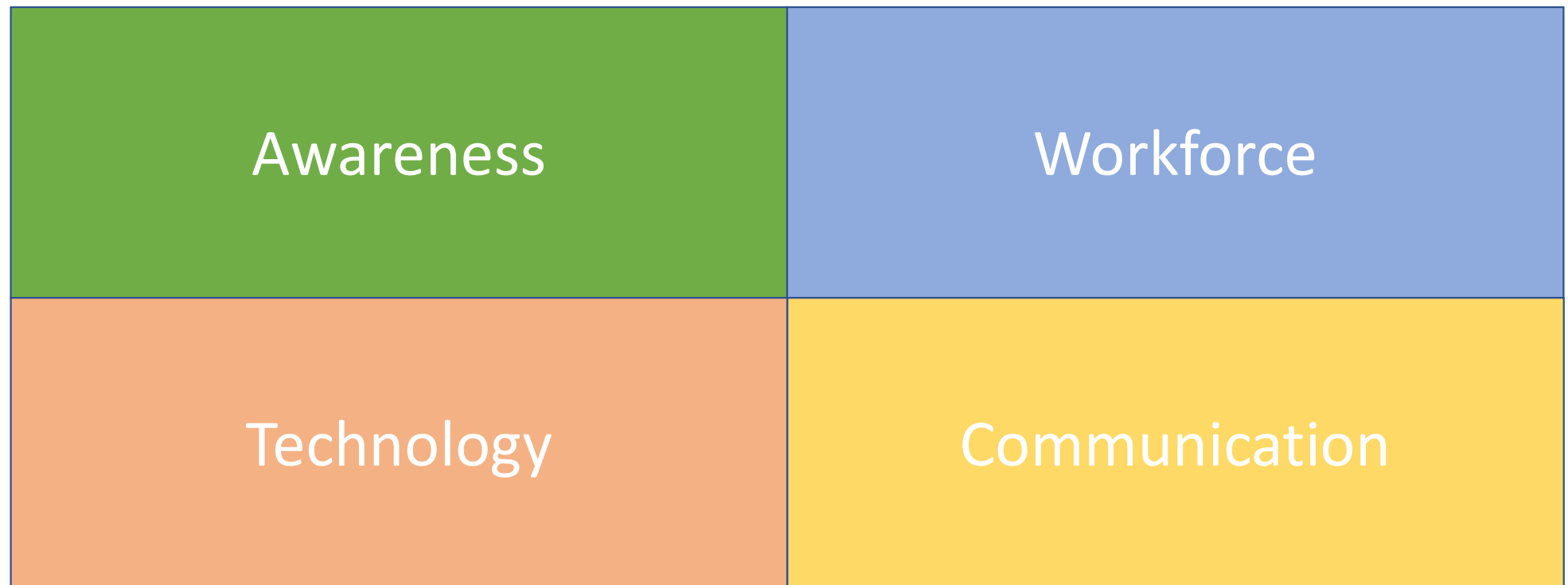
Accessibility

A significant challenge to people living with disabilities are inaccessible services – Provider Survey

Within the provider survey multiple respondents flagged the challenges faced by people living with disabilities due to issues around the accessibility of services.

There was also a desire to maintain a balance across services. Whilst some new innovations, such as online services, may be a positive for others they are not appropriate.

Engagement Priorities pt.2



Engagement Feedback

Awareness

There is a gap in knowledge of bus drivers around disabilities and reasonable adjustments – ECC Staff 121

Whilst bus drivers were provided as a specific example within the feedback from staff, the idea that the awareness of symptoms and how to make reasonable adjustments are key factors that could be more widely applied. For example, from the QA research:

““I will walk in places, and sometimes people don't know what to do with me, They either go over the top or just don't just don't want to come talk to me.”

It was also brought up in the provider survey that the lack of awareness can be a challenge to people living with disabilities.

Workforce

How would this affect specialist social worker roles which have declined over the years? - ECC Staff

Those who engaged in our processes have been keen to understand how the changes will impact staff roles.

There was also a desire to “focus on joint working”. Providers in particular saw collaborative working as a way of achieving better outcomes.

Engagement Feedback

Technology

What is the role of technology in supporting the strategy?

Some of the participants in our engagement have been digitally confident, others less so.

Whilst we need to ensure we have a good digital offer, there needs to be multiple routes of communication that people can use to contact us.

Participants of the QA research spoke about how difficult they found it to fill in complicated forms in general, and sometimes this was more difficult if the form was online.

Communication

Inaccessible communications delay or prevent people getting support – Provider Survey

The importance of communication was repeatedly highlighted throughout engagement. It not only helps with awareness and helping adults feel accepted, but it makes it more likely that they have good outcomes and their support isn't delayed.

Good communication early on can also help to alleviate concerns the adult may have about the future.

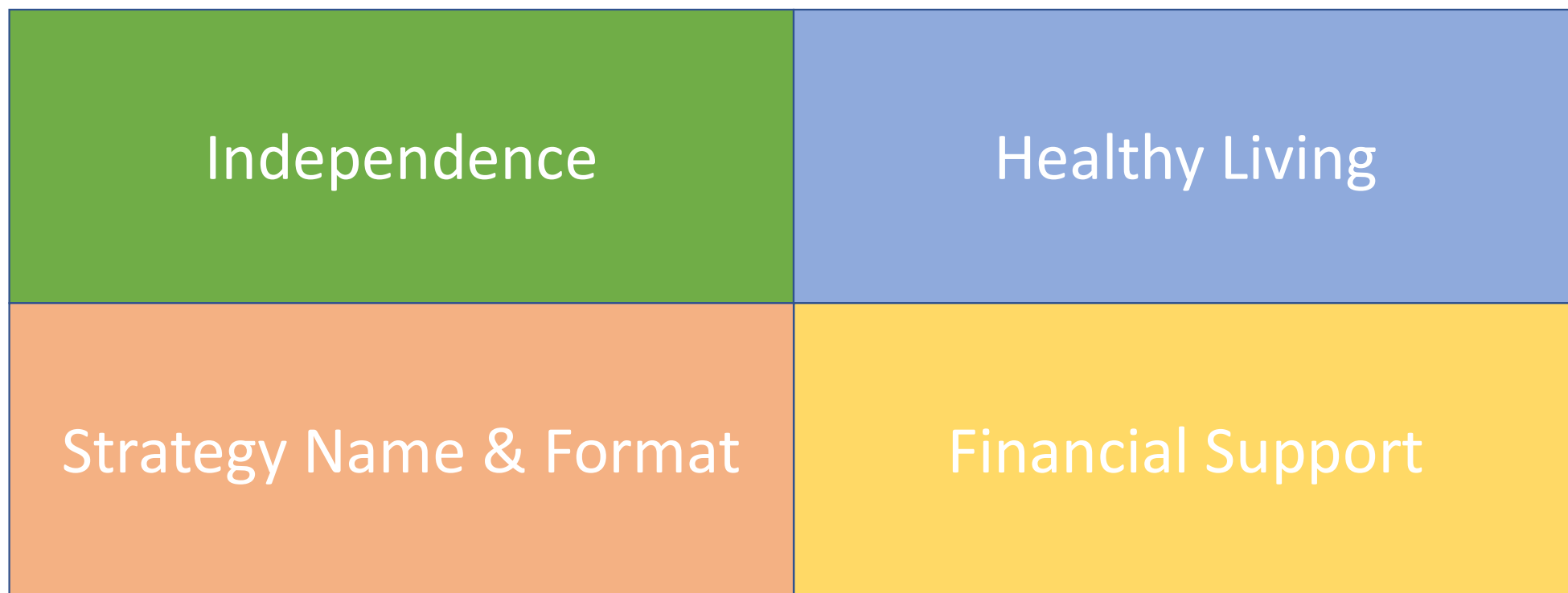
Initial Feedback

Below are just some of the ways that our initial engagement has helped to form the first draft of the Disability Strategy:

We have included people with autism in the strategy	<p>During initial engagement it has become clear that adults with autism feel they should be included in the strategy in some way, complimenting the already existing Autism Strategy.</p> <p>As such people who have autism as well as another disability are included in this work.</p>
We are focusing on the housing market	<p>You told us that where you live is important. You want to live in a safe place that feels like home. You need your home to work for you. Therefore, we have committed to make improvements to the housing market for adults with disabilities to help people have their own home if they want it.</p>
We want people to find the help they need to keep or make new relationships	<p>You told us that you want to grow and keep good relationships in your life. We will support all staff to think about the good relationships we need and how we help other people connect. We will also work with communities to welcome and include people with disabilities.</p>

Further Engagement

QA Research: Priorities



QA Research: Feedback

Independence

The need for independence was paramount for participants – QA Research

A key response across various engagement routes was the need for independence.

This branches across many topics as areas such as good housing, inclusive communities, communication, and meaningful activity can all help to provide a person with independence.

Healthy Living

Participants noted that they are not able to access as many health services as they used to- QA Research

Respondents of the QA research highlighted that due to financial cutbacks they have been unable to access certain health services, such as podiatry services and hydrotherapy.

For adults to lead healthy lives they require accessible services that are able to match the needs of the adult.

QA Research: Feedback

Strategy Name & Format

Maybe more on the positive side of what can we do for you rather than disability strategy? – QA Research

Whilst some respondents to the QA research were fine with the use of “Disability Strategy” there were others who flagged concerns.

One adult stated that “strategy” makes it sound like a “game” and felt that “plan” might be simpler.

Some participants did not necessarily identify with the term ‘disabled’ and thought others might have similar views, or felt that hidden disabilities might not be covered by this term.

Financial Support

It feels like begging... absolute hell, I feel like Oliver with his begging bowl... It's a really awful service – QA Research

The topic of income and financial support caused respondents to the research the most stress.

Participants found the benefits system very stressful. Processes are complicated and people do not feel they are treated as an individual or with much dignity. Assessment processes were perceived as being designed to see people at a snapshot in time, without a holistic picture of their needs.

This will be exacerbated by the cost-of-living crisis.

Consultation

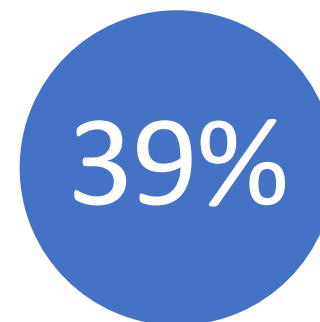
We sought to make our consultation as accessible as possible with various alternative formats and ways to participate. These included easy-read, large print, and audio versions of strategy, as well as options to participate by telephone or face-to-face at a drop-in. The main topic that has been fed back to us that is missing is advice and information around accessing **financial support**.



We held **8** events at 4 different locations in Essex, including Colchester, Basildon and Harlow, and online.



95% of respondents either “strongly agree” or “mostly agree” that our areas of focus in the strategy are correct.



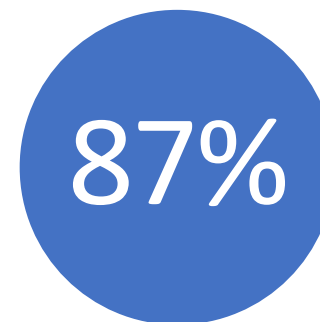
Roughly **39%** of respondents to the consultation either have, or support someone with, a learning disability and autism.



80% of respondents strongly agreed that to have good relationships social care staff need to understand that every single person is different



We have received **169** online responses to the consultation & **44** people have joined focus group meetings



Roughly **87%** of respondents were white-British and roughly **75%** were female.

Consultation Feedback

Below are just some of the ways that our engagement throughout the consultation period has helped to form the newest draft of the Disability Strategy:

We have included young people & transitions	<p>During our engagement with focus groups you told us that work on transition planning should be an area of focus.</p> <p>This is something we have taken on board and have included in within the Strategy.</p>
We have included financial support and financial wellbeing	<p>It has become clear that one of the key requests for support has been on the matter of information and help with accessing financial support and financial wellbeing.</p> <p>We are including financial support and financial wellbeing within the “Keeping Well” section of the strategy</p>

Autism

Involving Autism

It was clear from our engagement with autistic adults and other stakeholders that there was a desire for adults with autism to be included in the strategy in some way.

Have autistic people steering the strategy. – PACT & Adult support groups

One individual at an autism networking event felt “incredibly strongly” that autism should be included – Autistic adult employed by a local charity

Autism should be included in the strategy – Sister of a service user with autism

“I don’t [recognise myself as having a disability], but I do recognise that I have struggles that other people don’t. So although I initially don’t, maybe I do”. – Quote from an autistic female

The world makes it a disability. – PACT & Adult support groups

The reality for many autistic people is that some aspects can be incredibly disabling. – Connecting Without Limits

Communicating Autism

When it comes to communication, there are two main areas of work that are highlighted, lack of communication and wrong communication or narrow communication.

There is a lack of communication

“Feels that autism is a disability and that if there was more awareness and knowledge he may have received better support at a younger age ...”

A lack of communication and availability of information in early years can lead to people at a later age habituating themselves to behaviours that exasperates struggles incrementally. Lack of communication is not just centred around the unavailability of information, it is centred around inability to communicate the information that is available at the right time and in the right way.

We provide the wrong communication

‘... whilst some people may wish to focus on the gifts of Autism, the reality for many autistic people is that some aspects can be incredibly disabling, such as sensory issues, social anxiety, relationships, mental health etc

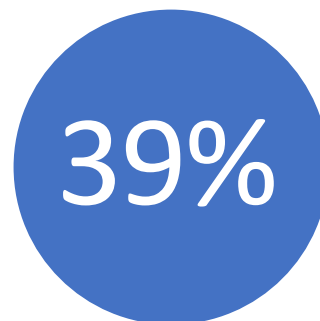
Within wrong communication, the main theme that has come about is the overemphasis on the positive aspects of Autism, or as one adult quoted it the ‘gifts of autism’.

Another danger of wrong communication of the positive aspects is not considering high functioning autistic individuals as having disability. The communication needs to be inclusive of all aspects.

Consultation & Autism



72% of online respondents agreed that our initial approach to including autism in the strategy was the correct thing to do. However, **27%** disagreed with this, meaning it is not a unanimous decision.



Of the online respondents who identify as having a disability, **39%** of them stated to have a learning disability & autism.

We initially included autism on the basis that if an individual has autism and another disability, then they would be included within the strategy.

In our engagement throughout the process we have heard conflicting views on the inclusion of autism within the strategy. We have since taken onboard the feedback and, whilst recognising that not everybody feels that autism is a disability, there are those who do feel disabled by their autism. As such, we recognise the need to define it on an individual basis. For some people autism will be disabling and they are included within our strategy.

Annex

Provider Engagement

- Essex care market provider forums
- Survey of Essex care providers
- PI Partnership Group
- Sensory Community Partners
- Autism Wider Network
- Autism networking event
- A family perspective

Residents Engagement

- Working Together For Change – Survey of adults with lived experience
- Family and carers engagement survey
- Healthwatch/Collaborate Essex
- Sensory Strategic Partnership Group
- Physical Impairment Steering Group
- Support4Sight focus groups
- Sport for Confidence focus groups
- Local Linked Support drop-ins
- Essex Carers Network focus group

Staff & Partner Engagement

- Essex County Council staff one-to-ones
- Essex County Council staff forums
- LD&A Ops Meeting
- Countywide Practice Forum
- PSI managers meeting
- Strategic Partnership Group
- Disabilities commissioning meeting
- PSI South – Pre forum
- LD/PSI Forum
- Health Inequalities meeting
- South East alliance meeting
- Southend Council meeting
- Thurrock Council meeting
- B&B alliance meeting
- Adults Leadership Team
- Meetings with quadrants



Accommodation

“I have a place to call home”

1

There will be more accommodation available to suit the needs and support the independence of adults with disabilities, including through:

- Housing related support
- Complex residential placements
- Supported Living
- Shared Lives
- Independent Living

There will also be an Accommodation Hub and Move On service in social care to support people who could benefit from moving to a more independent living situation.



A meaningful day “I have meaningful things to do with my time”

2

There will be greater access to meaningful activities for adults with disabilities including through:

- Meaningful Day Opportunities
- Inclusive Employment programmes and an Employment hub that provides employment support
- Continued education
- Community services such as Sport for Confidence

This will be enabled by accessible transport and reasonable adjustments to the physical locations they are using.



Positive relationships “I have good relationships with my support staff, family and friends”

3

There will be more opportunities for adults with disabilities to make meaningful social connections, including through:

- Befriending schemes such as the Bfriends pilot
- Local Linked Support that helps people to connect more with their local community
- Support for carers
- Support for young people coming into adulthood

This will also be enabled by:

- Reviewing Supported Living schemes where several people with disabilities may live in the same provision
- Supporting people who have been victims of crime or abuse.



Safe & Well “I feel safe and well”

4

The health and care needs of adults with disabilities will be better met with:

- Support for people to age well
- Greater availability of health coaching
- Improved specialist support around cognitive care and sensory services.
- Appropriate aftercare following hospital stays.
- Support for people with Long Covid.

An important way in which we will monitor this for people with learning disabilities and autism is through LeDeR (Learning from the Lives and Deaths of People with a Learning Disability and/ or Autism).

Cross Cutting – Key Underpinning Themes

❑ Co-Production

❑ Stable and Enabling Market

❑ Positive Social Care Practice

❑ Technology

❑ Enablement

Forward Plan reference number: FP/054/02/23

Report title: Re-procurement of the on-site care and support services at four extra care schemes	
Report to: Cabinet	
Report author: Councillor John Spence - Cabinet Member for Health and Adult Social Care	
Date: 18 April 2023	For: Decision
Enquiries to: Nick Presmeg, Executive Director, Adult Social Care, nick.presmeg@essex.gov.uk or Matthew Barnett, Head of Strategic Commissioning and Policy, Matthew.Barnett@essex.gov.uk ; or Jo Grainger, Commissioning Manager, jo.grainger@essex.gov.uk	
County Divisions affected: Uttlesford, Chelmsford, Basildon and Brentwood	

1. Everyone's Essex

- 1.1 Everyone's Essex sets out the Council's commitment and ambition to improve and support the health and wellbeing of the County's residents. This includes our commitment to support people with care needs to be as independent as possible through access to suitable accommodation and to ensure they have the support they need to promote their wellbeing and quality of life.
- 1.2 The Care Act 2014 places a duty on local authorities to promote a sustainable market for care and support that delivers high quality services for all local people (however that care is funded).
- 1.3 Under the Care Act 2014, the Council has a statutory duty to meet eligible needs. Providing access to suitable accommodation with care and support, including extra care schemes, is one way to meet those needs.
- 1.4 Extra care schemes are defined as accommodation that provides access to 24-hour, seven day (24/7) on-site support for residents, many of whom may also have care and support needs met by Adult Social Care as part of our duties under the Care Act 2014.
- 1.5 Extra care schemes are an important part of a wider accommodation pathway of care, support and housing solutions, enabling independence and positive outcomes for adults. They can prevent and delay a move into less independent settings such as residential care.
- 1.6 The purpose of this report is to seek approval to procure and award contracts to the successful bidder/s for the on-site care and support service within four existing extra care schemes and agree how the 24/7 on-site support provided at these schemes will be funded.

- 1.7 It is intended that the approach set out in this report will form the template for procurement activity for other extra care schemes when care contracts are due to be procured. These procurements will be the subject of separate decision papers.
- 1.8 The proposals in this paper do not create any additional climate impacts, which is consistent with our net zero climate commitments set out in Everyone's Essex.

2 Recommendations

- 2.1 Agree to undertake a single-stage competitive tender for the award of five-year contracts for the on-site care and support services at four extra care schemes being: Cornell Court, Uttlesford; Montbazon Court, Brentwood; Poplar House, Basildon; and Freeman Court, Chelmsford, within the Medium-Term Resource Strategy budget of £6.7m across the five years of the contracts.
- 2.2 Agree the early termination of the current on-site care and support contract at Montbazon Court for the reasons set out in section 3.10 of this report.
- 2.3 Agree that the procurement shall be structured with individual Lots for each scheme, using a single-stage tender process which complies with the 'light touch' regime in The Public Contracts Regulations 2015.
- 2.4 Agree that the high-level evaluation criteria for the award of the contracts will have a Price, Quality split of 60:40 with 10% of the quality score assessing Social Value.
- 2.5 Agree to the Council using its market-shaping powers under the Care Act 2014 to secure the 24-hour, 7 day (24/7) on-site support required for a scheme to be designated as extra care, by block funding 84 support hours per week at each scheme.
- 2.6 Note that the cost of the core 24/7 on-site support in these four extra care schemes falls outside the current Adult Social Care charging arrangements and therefore adults will not be required to pay for this aspect of care provision, but will be assessed for a contribution for any chargeable care needs.
- 2.7 Agree that the Executive Director, Adult Social Care is authorised to award the on-site care and support services contracts for the four schemes if he is satisfied that the contracts represent best value and are within budget when costed at expected volumes.

3 Background and Proposal

- 3.1 The Council currently has contracts with the on-site care and support providers at 14 extra care schemes across Essex, at which placements are made by Adult Social Care.

- 3.2 The Council can make nominations into all 14 schemes for adults with eligible assessed care needs who would benefit from a home environment with 24-hour, seven day (24/7) on-site support that underpins their continued independence.
- 3.3 The on-site support provided within these extra care schemes ensures a 24/7 on-site presence and a person to call who can respond to any unplanned care needs and/or emergencies, for example if a resident has a fall or is unwell. It includes the provision of personal care, regulated by the Care Quality Commission (CQC) as required and can be accessed as needed rather than in a scheduled way. This 24/7 on-site support must be in place for a scheme to be designated as extra care, both in Essex and nationally.
- 3.4 The 24/7 support is delivered by a care provider based at the scheme and is available to all residents irrespective of who provides their planned personal care. The on-site care and support provider can also provide planned personal care to residents (if an adult has chosen to receive their personal care from it) as part of meeting a residents assessed eligible care and support needs. This forms part of the residents' personal budget to which they will pay an assessed contribution if appropriate.
- 3.5 The 24/7 on-site support falls outside of usual Adult Social Care charging arrangements. Partly because of this, and because of the ad hoc development of schemes over many years, this has resulted in inconsistent funding arrangements across schemes for this element of the service. The recommendations in this report seek to address these inconsistencies.

The schemes

- 3.6 Cornell Court is a 73-apartment scheme in Saffron Walden. The Council has nomination rights into the 40 extra care apartments within the scheme. The remaining 33 apartments within the scheme are sheltered housing. All 73 apartments are provided by the same landlord.
- 3.7 Poplar House is a 65-apartment extra care scheme in Basildon. The Council has nomination rights into 50 of the apartments within the scheme. The remaining 15 apartments are shared ownership. Residents within these shared ownership apartments may also have assessed eligible care and support needs.
- 3.8 Freeman Court is a 65-apartment extra care scheme in Chelmsford. The Council has nomination rights into all 65 of the units within the scheme.
- 3.9 The contracts and agreements for the on-site care and support services provided at these three schemes will expire in September 2023. Each of the landlords of the three schemes have now confirmed that they do not want to take on or continue the responsibility of providing the on-site care and support service within the schemes. Housing providers are increasingly withdrawing from providing care, choosing to focus only on the provision of housing because of the difficulties in recruiting and retaining care staff. This is a national trend and is not unique to Essex.

- 3.10 Montbazon Court is a 26-apartment extra care scheme in Brentwood. The Council does not currently have a nomination agreement in place with the landlord, but placements are being made by Adult Social Care into the scheme in the same way as at the other three schemes. The landlord is also currently the on-site care and support provider. The contract for the on-site care and support service expires on 27 June 2025. However, the landlord has approached the Council requesting an early termination of the contract as it does not want to continue to provide the service. It is intended that this contract will also cease in September 2023.
- 3.11 The landlords of all four schemes have confirmed that they will allow the Council to contract for the provision of the on-site care and support services within the schemes. This will include allowing the successful care providers to have access to the necessary facilities at the schemes to provide the on-site care and support service.

The new contract

- 3.12 It is proposed that the new on-site care and support contracts at each scheme will commence in September 2023 and will be for a five-year period with no options to extend further. This is consistent with the contract length for other extra care schemes across the County.
- 3.13 The contractual arrangements for the provision of on-site care and support services across the four schemes will not tie the Council or residents into having to purchase planned personal care from the on-site care and support provider. Residents and the Council will be able to choose another care provider or carer to provide their planned personal care as required.
- 3.14 The Council will ensure that it holds a current nomination agreement with the landlord for each scheme, including for Montbazon Court. There will also be a nomination panel, coordinated by the Council, in place for each scheme, that will meet regularly to maximise Adult Social Care placements into each scheme. The nomination panel will include the Council, the landlord, the on-site care and support provider and the Local Housing Authority.
- 3.15 There will be no direct contractual relationship between the landlord and the on-site care and support provider procured by the Council relating to the provision of care at the scheme, but there will be an agreement between the landlord and the on-site care and support provider relating to the use of facilities within the building, access to and from the building and working arrangements. There will be no contractual provision relating to the on-site care and support service and the provision of care within the residents' tenancy agreement with the landlord. All documentation and agreements in relation to the provision of care will be between the residents and the Council (for the extra care and support) and/or the residents and their care provider(s) (for planned personal care).
- 3.16 The service specification and performance standards within the care and support contract will require that the on-site care and support providers for the four schemes, as a minimum, meet the Council's quality standards, adhere to

the CQC regulatory standards and adhere to the service delivery model for extra care. This will ensure high-quality service provision that maximises independence; with the schemes as community assets, benefiting the wider community as well as the residents within the schemes and with a strong ethos of social interaction and maintaining and developing relationships. There will be Key Performance Indicators and Management Information for the Provider to report on and for the Council to monitor.

- 3.17 Increased flexibility in the suitability criteria has also been implemented across all extra care schemes in Essex, in terms of both the care needs and the age of prospective residents, including adults with disabilities, who may be under or over 55, where extra care is deemed suitable to meet need. This is a positive progression of the extra care model in Essex and means that a more diverse range of adults can benefit from living within an extra care scheme. This approach will continue to be promoted in these four schemes over the life of the contract.
- 3.18 The anticipated cost of the four contracts is £1.2m per annum, based on an assumed rate tendered and fixed hours for the 24/7 on-site support. During the tender process the actual cost will become apparent, and agreed or otherwise by the Executive Director, Adult Social Care, based on affordability within the overall budget.

The procurement approach

- 3.19 It is proposed that there will be a single-stage competitive tender process complying with the 'Light Touch' regime of the Public Contract Regulations 2015. The contracts will be awarded to the bidders who achieve the highest overall score using a Price / Quality split of 60%: 40%, with 10% of the quality score assessing Social Value and Climate.
- 3.20 The tender will be in four Lots. Bidders will be able to bid for one or more Lot. Each Lot will be evaluated independently of each other. There will be no restriction on the number of Lots a bidder can win.

Price Criteria	Quality Criteria	Social Value and Climate
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<p>The price element will be based on the care rate (price per hour) for planned personal care.</p> <p>The care rate per hour selected will then be used to calculate the block price for the 24/7 on-site support based on 84 hours per week. This guaranteed funding will ensure the 24/7 on-site support can be provided with at least one member of staff awake on-site and with one member of staff local to the scheme on call.</p> <p>The pricing matrix on which bidders can submit tenders for hourly care rates is a range from £18.36 to £21.04, rising in 4p increments. Any bids outside the range will be disregarded. This matrix is consistent with previous extra care tenders.</p>	<p>The quality criteria will be based on technical questions, which focus on bidders proposed service model for the delivery of the on-site care and support service within the scheme, including ability to meet a range of care and support needs and providing enablement-focused care and support, mobilisation of the contract, the promotion of social inclusion, innovative practice and use of technology. For all bids submitted, minimum quality criteria must be met. Bids below these will fail and be discounted.</p>	<p>The social value and climate element will be based on what social value providers can offer and how this will be achieved and measured as part of this contract.</p>
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- 3.21 The Council is using this opportunity to address longstanding inconsistencies in funding arrangements for the 24/7 on-site support that have arisen from the ad hoc development of schemes over many years. The approach set out in this report ensures sustainability of the 24/7 on-site support and equity in the approach to funding this. The Council will ensure that no residents are disadvantaged as part of this process.
- 3.22 The proposed funding approach will ensure that, at any one time, there is at least one member of staff awake on-site and one member of staff local to the scheme on-call. The landlords and current on-site care and support providers at each of the four schemes have confirmed that this level of support will be sufficient to meet unplanned care needs and emergencies within the schemes. This level of support is also consistent with the approach taken in other extra care schemes across the country.
- 3.23 Where planned personal care is provided by the on-site care and support provider, this will be sourced at the care hourly rate submitted through the tender process. All planned personal care hours provided to residents in the schemes, irrespective of who provides this care, will be assessed and charged for in the usual way by the Council, following Adult Social Care charging policy. Individual arrangements will be set out in an adult's support plan in line with their assessed needs in the usual way.

- 3.24 The prices submitted will be fixed for the contract period, although the Council will have the absolute discretion to review rates if it so wishes. This is consistent with the Council's general approach to increasing prices for care services delivered to adults.
- 3.25 It is intended that this proposed procurement approach will form the template for procurement activity for other existing extra care schemes when care contracts are re-procured and when new schemes are developed. However, these procurements will be subject to separate decision papers.

4 Links to our Strategic Ambitions

- 4.1 This report links to the following aims in the Essex Vision:
- Enjoy life into old age
 - Strengthen communities through participation
 - Develop our County sustainably
- 4.2 Approving the recommendations in this report will not impact on the Council's ambition to be net carbon neutral by 2030.
- 4.3 This report links to the following strategic priority in the Organisational Strategy 'Everyone's Essex':
- Health wellbeing and independence for all ages

5 Options

- 5.1 **Option 1:** Do nothing and let the contracts expire/landlord hand back the care contract

This approach is not recommended, as it would result in the on-site care and support services ceasing and the schemes being unable to operate as extra care. This could result in the Council needing to source new placements for residents, which might include residential care.

- 5.2 **Option 2 (recommended):** Undertake a single stage competitive tender for the on-site care and support contract at the four schemes, with the Council using its market-shaping powers under the Care Act 2014 to block fund 84 hours per week at each scheme

This is the recommended option because it ensures best value through a competitive tender process and reflects the wishes of the landlords and maintains extra care capacity in the market, giving adults choice and control over their housing with care options. This option does not tie the Council or residents into having to purchase planned care packages from the on-site care and support provider. However, the provider of the 24/7 on-site support is not optional and will be the on-site care and support provider. Providing guaranteed block funding

towards the 24/7 on-site support will ensure sustainability of this element of the service that must be in place for a scheme to be classed as extra care.

5.3 **Option 3:** The landlord at each scheme takes on or continues responsibility for the care contract

This option is not recommended or possible, as the landlords do not wish to take on responsibility or continue the provision of the on-site care and support contracts at these four schemes.

6 **Issues for Consideration**

6.1 **Financial implications**

6.1.1 The proposal in this paper, relating to four existing extra care schemes, Freeman Court, Cornell Court, Montbazon Court and Poplar House, is the first step in creating a consistent approach to the 24/7 on-site support, and is expected to save the Council money over the next two years due to procurement of more cost-effective on-site support than the current arrangements, which have been individually arranged based on rates and requirements of the individual schemes at the time of setup.

6.1.2 Modelled on the projections used for 2023/24 budget setting, these four schemes will spend £867,000 in 2023/24 (including uplifts agreed in March 2023) on personal care and would have spent £482,000 on 24/7 on-site support in existing arrangements amounting to £6.745m over the 5-year period. Re-procuring the contracts to a consistent block provision as per the recommendations in this report will create 2023/24 under spend of £70,000 and by 2024/25 the full year effect of reprocuring these four contracts will create an ongoing annual saving of £120,000. Savings will be reviewed at the point of contract award.

4 Schemes £000	2023/24 budget	2023/24 Cost	Ongoing annual cost	Ongoing annual Impact	5 Year contract cost *
Personal Care	867	867	867	-	4,335
On-site support	482	412	362	(120)	1,810
Total	1,349	1,279	1,229	(120)	6,145

* The 5 year contract cost is based on current care requirements and is likely to change over that time period.

6.1.3 The Independent Living Older People (ILOP) Programme has a target saving included in the MTRS of £913,000 through avoidance of the use of more costly residential care. Cornell Court has already delivered £54,000 of savings to date, an overachievement against its MTRS target of £29,000, while the other three schemes referred to in this paper have reductions already included in the base budget. Therefore, this decision does not impact on the ILOP saving in the MTRS. The remainder of the saving will be achieved through future schemes coming into the Independent Living Extra Care Programme over the

course of the MTRS, and future decisions may impact on those savings. Individual decisions relating to these further schemes will be brought forward as and when current contracts are due to end.

- 6.1.4 In extra care schemes where 24/7 on-site support is funded by the Council there is currently, and in the future will continue to be no contribution charged to the resident. As such the proposals in this paper will have no impact on charging for Montbazon Court and Freeman Court where services are already provided under a block contract. In Poplar House, the move to a block contract will not reduce resident's outgoings due to the related service charge covering activities management and concierge resources, and so will continue to be charged to residents. In Cornell Court, where residents currently pay a sum to the landlord for the 24/7 on-site support, this charge will stop with the new contract, leaving the resident with more chargeable income, which may increase the amount they can contribute towards their care, therefore having a minor positive impact on income received by the Council. The wider principle of bringing on-site support into block arrangements across extra care schemes will have a larger positive impact, but dependent on the usage of the units and financial assessments of the social care residents at the time, and so will be detailed as part of each future decision brought to Cabinet. Where the Council enters block arrangements for provision of 24/7 care, there is a risk that the value for money of this decision is reduced, if usage is low and void units are therefore high.

6.2 Legal implications

- 6.2.1 Care services within a supported living scheme fall within "social and other specific services" within Schedule 3 of the Public Contracts Regulations 2015. The procurement process and award of contracts must comply with the provisions of the Regulations and the Council's internal policies and procedures. ECC can use one of the main procurement routes, such as the open procedure, for light touch services but is not obliged to.
- 6.2.2 Award of the contracts will support the Council in delivering its care obligations.
- 6.2.3 The Public Services (Social Value) Act 2012 replaces a requirement on contracting authorities to consider, when procuring services, how the economic, environmental and social wellbeing of the local area may be improved and how this can be delivered through the procurement.
- 6.2.4 Contracts should be awarded on the basis of the most economically advantageous tender and qualitative, environmental and/or social aspects should be linked to the subject matter of the contract.

7 Equality and Diversity Considerations

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The Equalities Comprehensive Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. The proposals will help ensure all four schemes can continue as extra care schemes, providing a range of housing with care options for adults and ensuring that for current and future residents of the four schemes choice, control, independence and wellbeing are maximised.

8 List of Appendices

8.1 Appendix One: Equality Comprehensive Impact Assessment

9 List of Background papers

None.

Forward Plan reference number: FP/063/03/23

Report title: Procurement of a Four-Year Framework Agreement for Construction Projects	
Report to: Cabinet	
Report author: Councillor Lesley Wagland, Cabinet Member for Economic Renewal, Infrastructure and Planning	
Date: 18 April 2023	For: Decision
Enquiries to: Elliot Smith – Head of Infrastructure Delivery email: elliott.smith@essex.gov.uk or Tom Wint – Framework, Cost and Quality Manager email: tom.wint@essex.gov.uk or Molly Brown – Procurement Manager email: molly.brown2@essex.gov.uk	
County Divisions affected: All Essex	

1 Everyone's Essex

- 1.1 This report seeks approval to procure a four-year framework agreement for construction services to replace the existing Essex County Council construction framework which expires in early 2024. The framework will provide design and construction services for education and other capital construction and major maintenance projects and will be available to other contracting authorities.
- 1.2 The provision of a framework for construction meets with all four strategic aims identified in Everyone's Essex – Our plan for levelling up the county: 2021 to 2025 and will support:
 - Delivering infrastructure to support new homes and communities. The school building and expansion programme will ensure that infrastructure will have the outcome of ensuring that high quality local educational facilities are provided to match new housing and growth
 - Achieving net zero. New buildings will aim to be net zero design, and so will have the outcome of generating renewable energy and using energy efficient construction methods to mitigate their carbon impact
 - Enabling healthy lifestyles. Providing local school places will have the outcome of enabling the inclusion of activity and exercise as part of the journey to and from school and include sport provisions where needed within school grounds
 - Supporting high quality education outcomes, enabling teachers to work with pupils in the most conducive environment for success

2 Recommendations

- 2.1 Agree to procure a four-year, multi-supplier Framework Agreement for the provision of design and build services and construction only services using the restricted procedure with 3 Lots as follows:

Lot 1: £0 - £750,000 (a maximum of 8 Contractors)

Lot 2: £500,000 - £4.5m (a maximum of 6 Contractors)

Lot 3: Over £4m (a maximum of 6 Contractors)

- 2.2 Agree that the high-level evaluation criteria for appointing Contractors to the Framework Agreement will be based on 30% price:70% quality, with 10% of the quality score for Lots 1 and 2 assessing Social Value. For Lot 3, social value can be assessed during the mini-competition process.
- 2.3 Agree that the Cabinet Member for Finance, Resources and Corporate Affairs is authorised to award framework agreements to the successful bidders following completion of the procurement process.
- 2.4 Agree that an Advanced Payment Rebate System may only be included in the contract documents if the Director, Legal and Assurance agrees.
- 2.5 Note that the Executive Director, Corporate Services will use her delegated powers to agree the terms on which the framework may be made available to other contracting authorities and that she will seek to ensure that such terms are in broad alignment with the Council's Fees and Charges Policy and recover the Council's contract management costs for non-ECC call-offs.

3 Background and Proposal

- 3.1 ECC delivers many construction projects connected with its statutory functions including building new schools and expanding or refurbishing existing schools, as well as other buildings. ECC currently procures a large proportion of the construction projects it delivers through its own competitively procured framework agreement which is called the Essex Construction Framework 2 (ECF2). ECF2 is performing well, with 48 projects awarded through the Framework to-date. However, it expires at the end of February 2024 meaning that no projects can be awarded after that date, although contracts entered into before February 2024 can continue after that date.
- 3.2 Construction relating to schools is currently the main project type procured through the ECF2. ECC has a statutory duty to ensure there are sufficient school places for children within its area. The current forward plan of new school places (including both mainstream and Special Educational Need) identifies a projected spend of c. £200m in the 4 years following expiry of the ECF2. Once the ECF2 expires, a replacement construction route is required to enable ECC to fulfil this statutory role and offer a best value route to market
- 3.3 A review of all ECC's construction requirements has been undertaken to determine the most appropriate scope for the replacement solution to the ECF2. The review has found that:

- 3.3.1 Education projects are generally completed through one of the three tiers of ECF2, usually on a two stage Design and Build (“D&B”) basis.
- 3.3.3 Major highways projects are typically procured on a construction only basis through the Eastern Highways Alliance 2 Framework (EHA2) or via open market tendering depending upon their scale. EHA2 is a partnership framework, offering scale benefits and management cost efficiencies. Alongside the other partnership authorities, ECC is already taking a leading role in preparing to replace EHA2, providing an opportunity to deliver improvements. This element is therefore outside the scope of this solution.
- 3.3.4 Minor highways projects (projects under £500,000) – are awarded on a Design and Build basis through ECC’s Essex Highways Contract with Ringway Jacobs. They are therefore adequately catered for and outside the scope of the required solution.
- 3.3.5 Capital maintenance of ECC maintained schools and its core estate is currently managed by MITIE Ltd through ECC’s Property and Facilities Management contract. There is potential for the replacement solution to ECF to provide flexibility for solutions for major ECC maintenance projects as well as providing an option for schools or other third parties to directly secure experienced contractors quickly.
- 3.3.6 Housing projects are currently procured on a project specific basis via open tender; however the housing service is currently investigating a number of options to expedite procurements. Discussions have taken place to assess options for jointly procuring a solution, however due to timescales, the nature of the contractors involved and the need for clarity over the solution, it is proposed that the two solutions are delivered independently. Essex Housing, a service within ECC will still have access to this framework if required.
- 3.3.7 Other built environment projects across the Council, such as those for Country Parks, Essex Outdoors, Libraries, Waste etc. are delivered in varying ways, including third party / government frameworks, open market tender or via the Mitie Ltd contract. These projects often align well with ECF2 and therefore should be within scope for the replacement solution, allowing it to become the ‘go to’ procurement route for ECC construction projects unless the projects are very specialist in nature.
- 3.4 The preferred option is to replace the ECF2 with a similar but improved framework (the proposed new framework), ECF3, taking the future project pipeline, lessons learned and latest best practice into account.
- 3.5 ECC has developed significant experience in procuring and managing construction frameworks and their call offs since 2008 including from ECF2, ECF and its predecessor, Smarte East.
- 3.6 A replacement framework will incorporate best practice, together with being tailored specifically to meet ECC’s requirements and is therefore considered to represent the best value option.

- 3.7 It is proposed to procure a multi-supplier framework since this would enable competition to be maintained thereby achieving best value. ECC's requirements will be competitively tendered within the proposed new framework via a mini-competition call-off process between suppliers on the relevant Lot.
- 3.8 The value estimated to go through the framework over the 4 year period is £400m.
- 3.9 Whilst there is no guaranteed volume of work to be let to contractors under the proposed framework, the current pipeline for education projects indicates that ECC is likely to award approximately eight contracts per year through the Framework, at least three of which are likely to have values above the Public Contracts Regulations 2015 (PCR 2015) financial threshold for Works (c. £5,336,937). The cost of an open market procurement of an above threshold construction contract is estimated at c. £30,000 per average project, with smaller contracts costing c. £5,000. Use of call-offs (via a mini competition) under the proposed new framework will be less resource intensive and deliver significant procurement cost reductions to ECC than undertaking an open market procurement outside of the Framework Agreement.
- 3.10 It is proposed that the new framework will be open to other contracting authorities (including other local authorities, schools, academies, Essex Police, Essex County Fire and Rescue Service) on a charged basis in line with ECC's Fees and Charging Policy. The opportunity for call off contracts from other authorities will make the proposed new framework more attractive to contractors when it is tendered. Contractors will be required to pay ECC a fee on each non-ECC call-off contract so that the Council can recover the costs incurred in managing such access. This will at the least cover ECC's framework contract management costs for non-ECC call-offs and, dependent on volumes, may generate a revenue surplus.
- 3.11 Three Lots will be created. Contracting authorities are able to limit the number of lots that are awarded to one tenderer provided the maximum number is stated in the procurement documents. In order to ensure sufficient competition and attract small companies and SMEs to Lot 1 it is proposed that:
- 3.11.1 Contractors can be appointed to a Framework for both Lots 2 and 3.
- 3.11.2 Contractors awarded appointed to a Framework for Lot 1 will not be appointed to a Framework under Lot 2 or 3.
- This configuration will enable a maximum of 12 Contractors and a minimum of 6 contractors across Lots 2 and 3.
- 3.12 Lot 1 is likely to be attractive to smaller contractors in Essex because of its value. As a result of this use of lot 1 is only likely to be attractive to other contracting authorities within or very close to Essex.

- 3.13 Lots 2 and 3 are likely to secure contractors of a size that are capable of covering the whole of Essex and beyond. These lots will be attractive to contracting authorities across a much wider area.
- 3.14 It is proposed that the evaluation ratio for appointing contractors to the proposed new framework is 30:70 price to quality split at a framework agreement level. This split recognises the importance of the qualitative aspects of bidders approaches to project delivery in maintaining predictable outcomes and driving cost efficiencies through their supply chains. Furthermore, as only certain prices/rates can be fixed at a Framework level, the value of price assessment at the Framework stage is limited, with price having a much greater impact on ECC budgets at call-off stage. Additionally, it is proposed that bidders are 'pre-qualified' on certain aspects of quality at the Framework stage in order to avoid the requirement to repeatedly answer certain competency-based quality questions at call-off stage. It is therefore felt that quality is of greater importance to assess bidders onto the new Framework. The intention is that for ECC projects the price/quality split for call offs would then be heavily weighted towards price considering the intention to pre-qualify on quality.
- 3.15 The qualitative aspects of each bidder's approach to project delivery will be critical in maintaining predictable outcomes and driving cost efficiencies through the supply chain and a higher than usual evaluation weighting of quality as against cost when appointing contractors to the proposed new framework is therefore justified.
- 3.16 The evaluation criteria for the award of individual call off contracts from the framework will be determined on a project specific basis to retain flexibility and ensure the framework remains attractive to external users. The price: quality ratio will vary depending on the type of contract being let, for example a fully designed project may have a higher price ratio than one that will require full design by the successful contractor. There will be an internal call-off policy developed for ECC projects which will outline the expectations for the price:quality ratio for standard projects. This policy will be agreed by the Director, Procurement after consulting the Director, Infrastructure Delivery and Procurement, and any deviations from this policy will need to be agreed by the Director, Procurement. Within Lot 3, 10% of the proposed quality score for ECC projects is also likely to also assess social value, as larger contracts offer more scope within the duration of the project to assess these elements.
- 3.17 The current ECF2 framework uses the NEC3 suite of Contracts, published by the commercial arm of the Institution of Civil Engineers, predominantly through the use of NEC3: Option A. The proposal in the new framework is to move to NEC4, which is a newer and up to date version of the same contract. This form of call-off contract is suitable for the type of works being procured under this Framework.
- 3.18 It is being considered whether an Advanced Payment Rebate System (APRS) will be included within ECF3 whereby the Council can pay less for paying more quickly. There are some outstanding queries around the inclusion of an APRS and its interface with the Housing Grants, Construction and Regeneration Act

1996. It is proposed that the Director, Legal and Assurance is authorised to agree its inclusion.

- 3.19 Recent global events have impacted construction particularly in the latter part of 2022 and into 2023. This has driven higher tender prices due to Covid, fuel cost increases, Brexit, war and high levels of inflation. These are project related risks and are not expected to have any additional requirements upon insurance levels as part of the procurement of the framework.
- 3.20 Insurance firms are also reflecting the volatility of the construction industry, with many firms withdrawing from the Professional Indemnity insurance market, and those remaining are increasing premiums significantly. Experts are warning that premiums could more than double in the next round of renewals.
- 3.21 To ensure a robust framework is established, the team will continue to review market stability and will remain open to amending the mini-competition approach if considered necessary for particular projects, especially for the higher value tier. Following award of the framework, contractors will be monitored regularly to ensure that no new work is awarded to those suppliers which are unable to demonstrate required financial stability.

4 Links to our Strategic Ambitions

4.1 This report links to the following aims in the Essex Vision:

- Provide an equal foundation for every child
- Develop our County sustainably
- Share prosperity with everyone

4.2 Approving the recommendations in this report will provide a framework to support the Council's ambition to be net carbon neutral by 2030. This will be achieved through the Scope and Employers Requirements set out in each Call Off Contract, typically including specifications for buildings to be efficient in operation along with measures such as solar photovoltaic cells, air source heat pumps and insulation. A Carbon Reduction Plan will also form a pass/fail requirement within the Standard Selection Questionnaire (SSQ) section of the tender in order for bidders to progress to the Invitation to Tender stage. Additionally, it is proposed that, at mini-competition stage, there will be a weighted question on environmental impact for ECC projects which will be detailed within the ECC internal call-off policy.

4.3 This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':

- A strong, inclusive and sustainable economy
- A high quality environment
- Health wellbeing and independence for all ages
- A good place for children and families to grow

- 4.4 In order to maximise efficiencies, whilst also taking account of existing effective delivery arrangements, the scope of the replacement sourcing solution should include education projects, major maintenance projects and any other built project requirements that may arise from time to time within ECC. The framework will also allow access from other local authorities and public sector bodies that wish to access a Construction Framework.

5 Options

Option 1: Do not replace the construction framework and rely on individual procurements of construction projects.

- 5.1 This would mean that upon expiry of the ECF2, ECC would not have its own framework in place to deliver capital construction projects. ECC would need to either undertake an open market tender for every project individually as it arises or call off from a framework agreement organised by someone else if available (see below). This approach would add significant cost and delay to each project as well as potentially increasing risk in delivery. It could also prevent the development of working relationships with a consistent pool of contractors and the best practice improvements that result from this.

Option 2: Procure a Replacement Essex Construction Framework, ECF3 (recommended)

- 5.2 Procure a new non-exclusive 4-year framework agreement. This would ensure flexibility and competitiveness and would be tailored to ECC needs and aspirations. This option would not have the same economies of scale as other wider frameworks or a commitment to a single supplier, however it would enable relationships to be developed with a consistent pool of suppliers and framework performance management to maintain required standards.
- 5.3 By delivering its own framework, ECC also has the potential to offset some of the delivery and management costs by allowing access to other contracting authorities for a fee. This approach has already been adopted in ECF2. Any income achieved will be used to contribute to existing savings within the Medium-Term Resource Strategy.

Option 3: Do not replace the Essex Construction Framework and use Existing Framework Agreements commissioned by others

- 5.4 ECC could call off contracts from existing framework agreement(s) – via direct award or mini-competition. Whilst this option is suitable for occasional use, it is not recommended for use on a programme wide basis as those frameworks that are available often charge for access (directly or indirectly). A bespoke ECC framework would be tailored to ECC's pipeline of projects (project type and value), would be underpinned by ECC's specific requirements and would seek social value benefits specifically for Essex. Additionally, a period of familiarisation with the call off processes of each framework will be required in order to drive the best outcomes. This will require resource and could be worse than procuring our own solution.

- 5.5 Using an external framework may present difficulties in developing relationships with suppliers; performance management; understanding of ECC's employer requirements and consistency of deliverables and suppliers. There is also no guarantee that a framework will be available which will meet the requirements for an identified project and if one is not, a full procurement exercise will be required.

Option 4: Procure a Sole Supplier Contract

- 5.6 This has the potential to achieve economies of scale given that the supplier would receive significant work but means that there would be no ongoing price competition as with a framework. The Council would be left with no supplier if the supplier failed and would need to make alternative arrangements. This solution would reduce competition and therefore risk higher cost. Capacity to deliver all of ECC's requirements could also be an issue.
- 5.7 The ongoing requirement for an efficient, accessible and fast access solution to deliver the Council's dynamic and varied capital investment programme supports the selection of option (2) above, which will also allow competitive tension to be maintained within a collaborative working environment.

6 Issues for consideration

6.1 Financial implications

- 6.1.1 The capability on the client-side to procure, mobilise and manage the contract is already in place. This is informed and enabled by the Council's experience in procuring and managing the existing construction framework.
- 6.1.2 The resources required to carry out the framework procurement are already in place within the existing procurement and infrastructure delivery teams. There will be associated legal fees to Essex Legal Services, which will be covered by existing budgets.
- 6.1.3 The ability to ensure ongoing value for money for the Council will be enabled by the originating framework tender testing rates for preliminaries, profit, and overhead as well as many quality aspects related to value. Projects called off from the proposed new framework will then be competitively tendered to all contractors on the relevant framework tier on the basis of a client generated target cost based on benchmarked pricing data.
- 6.1.4 The proposal to continue a managed framework approach to delivery will allow ECC to continue to deliver projects with minimal procurement costs compared to running a full procurement as would be the case in the Do Nothing option.
- 6.1.5 The proposed replacement framework will be open for third party use with access fees payable to ECC in line with the Council's Fees and Charging Policy. The fee level will be determined as part of the market testing stage. Clearly, utilisation by third parties cannot be guaranteed and any income achieved will be used to

contribute to an existing saving within the Medium-Term Resource Strategy on top of the continued cost avoidance identified with this option.

6.2 Legal implications

6.2.1 ECC has a duty to secure best value in the delivery of its services. ECC is satisfied that procurement of the proposed new framework will achieve best value, using a competitive procurement process for the award of the Framework Agreement and running a mini-competition for each call-off.

6.2.2 ECC is a contracting authority for the purposes of the Public Contract Regulations 2015 and a procurement compliant with these Regulations will be required.

6.2.3 The framework procurement documents must specify clearly and in sufficient detail the process which will be required to award call-off contracts. When ECC calls off works from the Framework, it must follow the process defined in the framework agreement.

6.2.4 All contractors on the relevant lot of the Framework Agreement should be invited to compete in mini-competitions.

6.2.5 All contracting authorities who are to be eligible to access the framework must be clearly identified in the procurement documentation and will be required to sign an access agreement prior to accessing the framework. It is important that the value of the Framework Agreement set out in the procurement documents includes the value of these requirements.

6.2.6 The Public Services (Social Value) Act 2012 replaces a requirement on contracting authorities to consider, when procuring services, how the economic, environmental and social wellbeing of the local area may be improved and how this can be delivered through the procurement.

6.2.7 Contracts must be awarded on the basis of the most economically advantageous tender and qualitative, environmental and/or social aspects should be linked to the subject matter of the contract.

6.2.8 The use of an advanced payment rebate needs to be the subject of legal consideration given that construction law sets out how payments are to be made and when deductions are allowed.

7 Equality and Diversity implications

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful

- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8 List of Appendices

Equality Impact Assessment.

9 List of Background papers

None

Forward Plan reference number: FP/050/02/23

Report title: Essex Housing LLP – Consent to dispose of Land in Epping Forest	
Report to: Cabinet	
Report author: Councillor Lesley Wagland, Cabinet Member for Economic Renewal, Infrastructure and Planning	
Date: 18 April 2023	For: Decision
Enquiries to: Gwyn Owen, Managing Director Essex Housing Tel: 03330 136120 Email: Gwyn.Owen@essex.gov.uk	
County Divisions affected: Waltham Abbey	

Confidential Appendix

This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

1. Everyone's Essex

- 1.1 Essex Housing is Essex County Council's (ECC) in-house development arm which works with public sector partners across Essex. Essex Housing's purpose is to address housing need throughout the county by building high quality specialist, private and affordable homes. Essex Housing delivers schemes through ECC as well as the Essex Housing Development LLP (LLP).
- 1.2 Essex Housing Supports the strategic aims of Everyone's Essex by delivering more new homes and communities as part of ECC's ambition for 'a strong, inclusive and sustainable economy' and contributes to the commitment towards 'future growth and investment' by maximising the impact of public sector spend within the county by generating surpluses for reinvestment and creating new opportunities to achieve social value through development. Essex Housing:
 - 1.2.1 supports **the economy** by creating new jobs and working with local contractors.
 - 1.2.2 benefits **the environment** by developing in a sensitive way and including sustainable measures on sites such as EV charging, solar panels, heat pumps as well as a scheme of net zero homes.
 - 1.2.3 support **children and families** by providing good quality housing in an appropriate mix of type and tenure, central to giving children the best start in life.
 - 1.2.4 promote **health, care and wellbeing** for all residents by providing good quality homes and neighbourhoods. We also promote the wellbeing of some of our most vulnerable residents by creating homes that enable them to live independently.

- 1.3 This report concerns the redevelopment of the former Shernbroke Hostel which will enable the development of new, sustainable and energy efficient apartments in Waltham Abbey for the open market alongside new independent living units for adults with learning disabilities. This will provide new homes, create jobs, and importantly provide much-needed specialist homes that will enable those living with disabilities to live independent lives, which supports Essex County Council's levelling up ambitions.
- 1.4 The scheme also ensures that all new homes built are high quality, sustainable and energy efficient. The building will be fitted with photo voltaic cells to generate renewable energy, and there will be access to electric vehicle charging points across the development to encourage the use of more sustainable transport. This supports the strategic aim of Everyone's Essex to create a high-quality environment for our residents by helping reduce residential carbon emissions and support the uptake of more sustainable transport methods, as well as creating great places for our residents to live. There will also be an emphasis on high quality external space with landscaping across the site.
- 1.5 The purpose of this report is to give permission to Essex Housing Development LLP (LLP) to dispose of the freehold (including all other units) to a single purchaser and enter into a long leasehold to dispose of the carer's apartment to ECC once construction, which is currently underway, is complete.

2 Recommendations

- 2.1 Subject to the prior grant of the lease of the carer's accommodation as set out in 2.2 below and the nomination agreement as set out in 2.3 below, agree to the disposal by the LLP of the freehold ownership of the land shown edged red on the Plan appended to this report ('the Site') to Chelmer Housing Partnership as set out in the Confidential Appendix.
- 2.2 Agree to the disposal of the long leasehold ownership of the single carer's apartment to ECC by the LLP and for ECC to acquire the leasehold ownership of this apartment from the LLP for the price shown in the Confidential Appendix as previously agreed at Cabinet in May 2022 (**FP/330/03/22**).
- 2.3 Agree that ECC will enter into a nomination agreement with the purchaser giving it nomination rights to the 9 specialist housing units for a period of 250 years from the date of the transfer.

3 Background and Proposal

- 3.1 The Site is the former Shernbroke Hostel in Waltham Abbey and is owned by Essex Housing Development LLP with an area of 0.39ha. It is located on Shernbroke Road just over a mile from Waltham Abbey town centre in a primarily residential area. The property formerly comprised of several residential care buildings which were dated and no longer fit for purpose exposing the Council to ongoing maintenance liabilities.

- 3.2 In April 2018 (**FP/121/04/18**), ECC approved a proposal to redevelop the site for private and specialist units for adults with learning disabilities, to be delivered by the LLP. Significant progress has been made bringing this project forward and a resolution to grant planning permission was achieved on 16 March 2022 for 26 units.
- 3.3 In May 2022 (**FP/330/03/22**), ECC agreed to transfer the site to the LLP and provided a development loan to enable them to procure a construction partner. Following a procurement exercise carried out by the LLP the construction contract was awarded in August 2022 to build the scheme.
- 3.4 In November 2022, having regard to changes in interest rates and the value which can be obtained by disposing of the site for social housing, the Managing Director decided to carry out a marketing exercise for the disposal of the LD units and the disposal of the whole site to one purchaser. This has not been attempted on previous schemes and the reason for this and the bids received is set out in the Confidential Appendix.
- 3.5 Usually, the LLP disposes of private units to individual purchasers however in this instance an opportunity has arisen to negotiate a single transaction to sell the entire site once construction is complete. The LLP is therefore currently in discussions to sell the site freehold including the 26 units for the figure included within the Confidential Appendix. As a single aggregated transaction for the sale of the freehold is over £2,000,000, the LLP requires the Council's approval to dispose of the units as outlined in the reserved matters of the LLP.
- 3.6 By agreeing a freehold sale with one purchaser for the 26 units (private and learning disability) this would mean that marketing and sales costs are reduced. This single contract will result in a guaranteed sales receipt at the agreed deposit date and at practical completion of the scheme. This reduces borrowing costs and results in the level of capital receipt being known at an early stage rather than relying on individual sales. This also has the benefit of the scheme being protected from any future fall in house prices. There is also additional social value that will be gained from the project by selling to a Registered Provider if the units are used as affordable housing, which we understand is likely.
- 3.7 Discussions have been held with respect to nomination rights of the nine specialist units. Chelmer Housing Partnership have agreed to grant ECC nomination rights for 250 years. This will align with the leasehold interest of the carer's unit.
- 3.8 The development of land at Shernbroke strongly supports the delivery of the Council's plan, 'Everyone's Essex', providing a high-quality environment, strong, inclusive and sustainable economy, promoting health, wellbeing and independence for all ages.
- 3.9 The project is currently under construction with completion due in January 2024 and this report seeks authority to dispose of the freehold ownership for the site

and leasehold ownership of the carer's apartment to ECC once construction is complete.

Essex Housing

- 3.10 Essex County Council established Essex Housing in 2016 to work with public sector partners throughout Essex to identify and bring forward land and assets for development. It is now seven years into that journey and has established a significant and exciting development programme that will deliver great quality, sustainable homes and create fantastic places to live, while reinvesting returns into important public services and improved outcomes for the residents of Essex.
- 3.11 Essex Housing works with public sector partners across the county to develop land for the benefit of Essex, specifically in order to help address general, specialist and affordable housing need. By developing with a social conscience, Essex Housing enhances important assets, putting design, quality and sustainability at the forefront of what it does and shaping places that Essex can be truly proud of, all while reducing the burden on the taxpayer, generating capital receipts and delivering revenue benefits.
- 3.12 In July 2020, ECC Cabinet agreed to the establishment of a limited liability partnership, Essex Housing Development LLP ((FP-692-05-20) Essex Housing Optimisation Project) to carry out development activity. The LLP was created as part of a project to optimise Essex Housing to deliver our growing ambitions for housing development. The LLP can act with a greater degree of commercial flexibility and agility that enables it to deliver schemes at greater pace and scale, while still remaining accountable to Essex County Council. It also gives Essex County Council greater financial flexibility to use surpluses to fund capital or revenue expenditure. This scheme is being constructed by Essex Housing LLP.

Summary of project

- 3.13 The freehold of the Site is currently owned by the LLP. Following a decision taken by ECC in 2018, ECC agreed to progress the scheme to secure planning permission and explored the option of re-developing the site to provide nine specialist units for adults with learning disabilities (plus one carer's apartment which was to be sold to ECC) and 16 units for private sale.
- 3.14 Planning permission for the scheme was obtained in March 2022.
- 3.15 In May 2022, ECC agreed to transfer the site to the LLP and provided a development loan to enable them to procure a construction partner. Following a procurement exercise carried out by the LLP the construction contract was awarded in August 2022. Construction is underway and is due to complete in February 2024. Once the units are complete the units will be sold. Income has come to the Council from the sale of the land to the LLP, plus any surplus made by the LLP will be available for distribution back to ECC on completion of the sale.

3.16 Below is an indicative timeline for the disposal:

Milestone Description	Target Date
Exchange of contracts	April 2023
Construction Completes	January 2024
LLP Complete sale of leasehold to ECC for carer's apartment	February 2024
LLP Complete sale of the development	February 2024

Scheme History

3.17 Since December 2018, the following activity has been undertaken by the Council or, following its formation, by the LLP:

3.17.1 A scheme design has been prepared by the design team appointed by Essex Housing comprising of Saunders Boston Architects and Oxbury Chartered Surveyors with planning advice provided by Strutt and Parker and market advice provided by Savills.

3.17.2 The Site has been cleared, vacant buildings demolished and the Site remediation works have been undertaken to remove ground contamination including asbestos and heavy metals - all commissioned by the LLP.

3.17.3 Essex County Council sought planning permission from Epping Forest District Council to construct 26 units at the Site, with planning secured in March 2022.

3.17.4 ECC transferred the site to the LLP in May 2022 in preparation for the procurement of a construction partner.

3.17.5 In August 2022 LLP awarded a design and build contract to Marfleet and Blyth for the construction of the 26 units. Construction is fully underway with a completion date of January 2024.

3.18 The sale of the units is in accordance with the LLP's Annual Delivery Plan and will see:

- the creation and sale of sixteen general needs units.
- the creation and sale of nine specialist units.
- the creation and sale of a carer's apartment to ECC.

ECC as Member of Essex Housing Development LLP

3.19 Essex Housing Development LLP is 99% owned by Essex County Council with Seax Trading Limited owning the remaining 1%. The LLP is constituted and governed by an LLP Agreement entered into between Essex County Council, Seax Trading Limited and the LLP dated 29 January 2021. This provides that the LLP shall have a Management Board which shall carry on and conduct the LLP's day-to-day business and that a range of reserved matters are reserved

solely to the Council. Where the LLP seeks to enter into arrangements over £2,000,000, the LLP requires the Council's approval.

- 3.20 A board paper was approved in March 2023 by the Essex Housing Development LLP Board which endorsed the sale to CHP.

4 Links to our Strategic Ambitions

- 4.1 This report links to the following aims in the Essex Vision

- Develop our County sustainably

- 4.2 Approving the recommendations in this report will have the following impact on the Council's ambition to be net carbon neutral by 2030:

- Promote the use of low carbon heating systems in the delivery of housing in Essex.

- 4.3 This report also links to the following strategic priorities in the Organisational Strategy 'Everyone's Essex':

- **A strong, inclusive and sustainable economy**
 - **Infrastructure:** we will deliver and maintain high quality infrastructure to improve opportunities for people living in Essex as well as supporting a growing economy and the delivery of new homes and communities by investing in the region of £1bn by the end of this Council.
 - **Future growth and investment:** we will help grow existing businesses and the economic sectors of the future in Essex, including the arts, and secure high levels of new investment by working with partners to promote the County, by creating the conditions for growth and by maximising the impact of public sector spend within the county.
- **A high-quality environment**
 - **Net zero:** we will work across the Council and the County to hit our net zero targets, by ensuring that the Council significantly reduces its carbon footprint whilst also supporting an acceleration in the progress towards sustainable housing and energy, and active and alternative forms of travel across the county.
 - **Transport and built environment:** we will deliver a step change in sustainable travel across the county, by growing passenger transport and active travel and will ensure we support the move towards net zero, climate resilient developments including our new garden communities, by delivering sustainable and healthy neighbourhoods for the future.

5 Options

- 5.1 Options to proceed with development and to sell the units created were considered in the previous cabinet report in May 2022 (**FP/330/03/22**) when ECC agreed to transfer the land to the LLP for the development of the site. The options presented below provide an opportunity to pursue a single freehold sale (option one) or pursue the previously agreed position (option two)

Disposal

- 5.2 Option One - Dispose of the freehold for the site as a whole and the leasehold for the carers flat to ECC. (**recommended option**). The financial benefits are outlined in the Confidential Appendix.
- 5.3 Option Two - Dispose of the freehold only for the nine specialist units for adults with learning disabilities to a Registered Provider and the carers unit to ECC and dispose the open market units through the traditional approach of open market sale to individual purchasers. This is not recommended as it may not secure the financial benefits highlighted in the Confidential Appendix, although benefits may be higher.

6 Issues for consideration

6.1 Financial implications

- 6.1.1 By agreeing a sale with one purchaser for the 26 units (private and learning disability) this would mean that marketing and sales costs are reduced. This single contract will result in a guaranteed sales receipt at the agreed deposit date and at practical completion of the scheme. This reduces borrowing costs and results in the level of capital receipt being known at an early stage rather than relying on individual sales. This also has the benefit of the scheme being protected from any future fall in house prices. This reduction in borrowing will have an impact on the margin on lending received by ECC from EHDLLP.
- 6.1.2 The supporting numbers and further information are provided in the Confidential Appendix.

6.2 Legal implications

- 6.2.1 Although the LLP is independent of the Council, the constitution of the LLP states that ECC's consent is required where disposals have a value of more than £2m. The Council's consent is therefore required.
- 6.2.2 Whilst section 123 of the Local Government Act 1972 would require us to demonstrate that a disposal by ECC had to be for the best value reasonably obtainable which would ordinarily include some property advice, section 123 does not apply to the LLP, but the Council has as the beneficial owner of the LLP still seek some assurance that the LLP is taking a sensible course of action

and an external valuer has confirmed that this is the best consideration reasonably obtainable in the circumstances.

7 Equality and Diversity Considerations

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8 List of Appendices

- 8.1 Equality Impact Assessment
- 8.2 Confidential Appendix
- 8.3 Plan showing land

9 List of Background papers

None

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

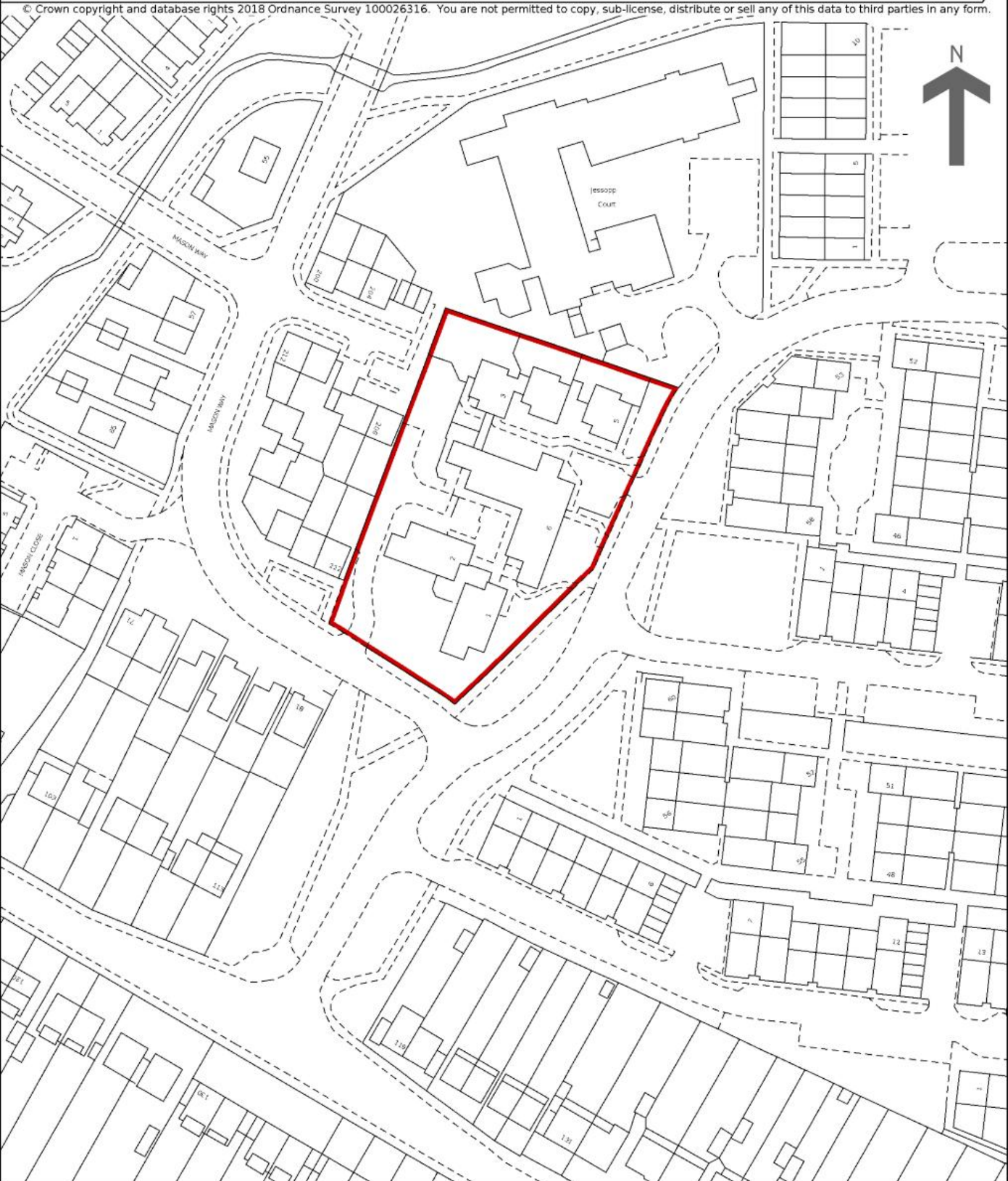
Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 03 February 2022 shows the state of this title plan on 03 February 2022 at 10:26:33. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.
This title is dealt with by the HM Land Registry, Peterborough Office .



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Forward Plan Ref No. FP/073/03/23

Report title: Decisions taken by or in consultation with Cabinet Members	
Report author: Secretary to the Cabinet	
Date: 18 April 2023	For: Information
Enquiries to: Emma Tombs, Democratic Services Manager, 03330 322709	
County Divisions affected: All Essex	

The following decisions have been taken by or in consultation with Cabinet Members since the last meeting of the Cabinet:

Leader of the Council

- *FP/033/02/23** Phasing of the A120-A133 Link Road including Procurement of Phase 1 of the A120-A133 Link Road, acquisition of land by Compulsory Purchase Orders and Award of Contract for Section A of the Colchester Rapid Transit System
- FP/085/03/23** Expansion of Intervention into Thurrock Borough Council : ECC's Role
- FP/102/04/23** ECL Shareholder Decision - ECC Technology Service Level Agreement

Deputy Leader & Cabinet Member for Community, Equality, Partnerships and Performance

- FP/080/03/23** Year Two Payments to Homes for Ukraine Sponsors
- FP/081/03/23** Approval of Community Challenge Fund (CCF) Applications
- *FP/017/01/23** Essex ActivAte Holiday Activity and Food Programme
- FP/101/03/23** Local Levelling Up Fund: Third round of funding proposals

Cabinet Member for Devolution, the Arts, Heritage and Culture

FP/074/03/23	2023/24 Proposed fees and charges – Essex Outdoors
FP/075/03/23	2023/24 Proposed fees and charges – Country Parks and Heritage
FP/082/03/23	2023/24 Proposed Fees and Charges - Essex Record Office
FP/095/03/23	Countryside Stewardship

Cabinet Member for Education Excellence, Life Long Learning and Employability

FP/078/03/23	Appointment and Re-Appointment of School Governors by Essex LA - Schedule 422
FP/083/03/23	Appointment and Re-Appointment of School Governors by Essex LA - Schedule 423
*FP/566/11/22	Determination of School Term Dates for Community and Voluntary Controlled Schools 2024-2025
*FP/049/02/23	Fees and charges increase for Music Service provision
*FP/586/12/22	0- 25 SEND Therapy Provision West Essex.
FP/097/03/23	Appointment and Re-Appointment of School Governors by Essex LA – Schedule 424
FP/099/03/23	Appointment and Re-Appointment of School Governors by Essex LA – Schedule 425
*FP/010/01/23	‘Multiply’ Grant Procurement

Cabinet Member for Finance, Resources and Corporate Affairs

FP/076/03/23	Drawdown from Reserve for Additional Funding for Transformation Programme Shaping Support
FP/077/03/23	Roof at 45 Clarendon Road, Watford
FP/086/03/23	Drawdown from Waste Reserve: Senior Resources
FP/087/03/23	Ways of Working (WoW) Programme Phase 2 – Drawdown of Funding
FP/089/03/23	Managed Service for Microsoft M365 Products
FP/091/03/23	Draw down from reserves: Implementation of short-term recommendations for County Hall
FP/096/03/23	Drawdown from the Children's Transformation Reserve: Children's Transformation Programme funding for Occupational Therapy Assistants
FP/098/03/23	Drawdown for Additional Resources for Property and Facilities Projects
*FP/047/02/23	Council Tax Sharing Agreement for 2023/24
- With the Cabinet Member for Economic Renewal, Infrastructure and Planning	
FP/088/03/23	Harlow HIG – Changes to the Capital Programme and Land Agreements to secure land and carry out enabling works at the Cambridge Road Junction

Cabinet Member for Waste Reduction and Recycling

- with Cabinet Member for Finance, Resources and Corporate Affairs**

FP/084/03/23	Mixed Food & Green Waste Treatment and Disposal Services Contract Award and Drawdown from the Waste Reserve
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*** Key Decisions 7**

Exempt from call in: 1