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| <b>Meeting:</b>      | Executive  |
| <b>Meeting date:</b> | 18/04/2024   |
| <b>Report of:</b>    | Corporate Director of Adult services and Integration (DASS)              |
| <b>Portfolio of:</b> | Councillor Jo Coles - Member for Health, Wellbeing and Adult Social Care |

## Decision Report: Recommissioning of Sensory Services in York

### Subject of Report

1. The Council of the City of York (“**CYC**”) and Wilberforce Trust first entered a contract on 1<sup>st</sup> April 2017 for the provision of the Sensory Impairment Service (the “**Contract**”) after a full competitive tendering exercise was completed. The Contract is due to come to an end on 30<sup>th</sup> September 2024.
2. The purpose of this report is to seeks approval from the executive to go out to the market and commence a competitive tender process to re-procure Sensory Impairment Services in York. This will enable CYC to go through a process that is fair, open, and transparent, and will ensure CYC secures value for money and the best outcomes for our customers.
3. The budget per year stands at £170,790 in addition to children’s mobility training of £16,224p.a. which totals to a ceiling value of £187,014 p.a. The total contract value for the Sensory Support Service contract that will be advertised to invite competitive tenders is £935,070 over the term of the contract, which is for an initial term of 3-years, with an option to extend for up to a further 2-years from 1st October 2024.

4. In line with Section 2 of the Care Act 2014, 'Preventing, reducing or Delaying Needs' makes specific reference to those with Sensory Impairments. The Sensory Hub (which acts as a single point of referral) ensures that adult customers with sensory impairment(s) are offered:
  - Advice and information - that helps prevent, reduce, or delay the need for ongoing care and support.
  - Registration-registration process for Certificate of Visual Impairment (CVI).
  - Sensory Impairment Assessments
  - Rehabilitation services for people with a visual impairment.
  - Access to Daily Living Equipment
  - Deafblind Support.
  
5. Maintenance of a Sight Register is a statutory requirement for the council. Under Section 77 of the Care Act 2014, local authorities are legally required to establish and maintain a register of sight-impaired and severely sight-impaired adults who are ordinarily resident in their area.

## Benefits and Challenges

| <b>Table 1 – Pros and Cons detail</b>  |
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| <p><b>Advantages (Pros)</b></p> <ul style="list-style-type: none"> <li>• CYC will be fully compliant with CYC's Contract Procedure Rules (CPR) and the Procurement Regs by tendering the Sensory Support Service on our tender tool YORtender.</li> <li>• Offers an important opportunity to shape the Sensory Service with a re-developed specification outlining clear expectations of service delivery and outcomes for our customers, providing transition from children to adult's services.</li> <li>• Providers will progress through a neutral selection process with clear set obligations and the selection will be made based on a rigorous evaluation of what CYC requires.</li> <li>• The new Contract will have an initial term of 3-years, with an option to extend for up to a further 2-years (5-year Contract).</li> </ul> |
| <p><b>Disadvantages (Cons)</b></p> <ul style="list-style-type: none"> <li>• Tendering services does not mean that there is a guarantee of Providers bidding for the Sensory Service. However, CYC has currently two major providers which provides a sustainable open market.</li> </ul>   |

- To complete the tendering exercise can be time consuming and will require commitment of staff resources from various departments. The open procedure will be used that will combine stages of the process and is the fastest procedure to progress.

### Key Risks

- Tendering the Service does not mean that there is a guarantee of Providers bidding for the Sensory Support Service, and this would lead to CYC not providing statutory services in line with the Care Act 2014.
- Timescales to reprocure the Service are sufficient currently but if there are delays within the process this may not allow sufficient time to embed the new service if there is a new Provider.
  - The Pension Scheme implications.
  - TUPE implications.

## Policy Basis for Decision

6. The All-Age Commissioning Strategy, Market Sustainability Plan and the 10-year vision 'People at the Heart of Care: adult social care reform paper' clearly outlines that the Council will work with existing Providers within the market to provide sustainable, quality and value for money services.
7. **Section 2 of the Care Act 2014** 'Preventing, Reducing or Delaying Needs' states that statutory guidance outlines outcomes for individuals, groups and local populations and makes specific references to people with a sensory impairment. The service will contribute to the following key areas as highlighted in the care Act; Prevention; Assessment and eligibility; Information and Advice; Charging; Registers.
8. **The Equality Act 2010** is also very significant for sensory impaired people. It requires all organisations that provide a service to the public to make reasonable adjustments to those services to ensure they are accessible to everyone.
9. Sensory Support Services in York directly support the achievement of The Council Plan 2023 to 2027, **One City, For All**, which sets a strong ambition to increase opportunities for everyone living in York to live healthy and fulfilling lives, as follows:
  - a) **Health**-Improve health and wellbeing and reduce health inequalities.

- b) **Equalities and Human Rights**- Equality of opportunity
- c) **Affordability**- Tackling the cost-of-living crisis.

## Financial Strategy Implications

10. The current annual value of the contract is £186,300. However, the budget for the contract is £170,790, therefore the contract is currently overspending by £15,510 p.a. This will be in addition to Special educational needs and disabilities (SEND) contribution to children's mobility training of £16,224 p.a. bringing the annual contract value of **£187,014 p.a.** The total ceiling contract value for the Sensory Support Service contract that will be advertised to invite competitive tenders is £935,070 over the term of the contract (total of 5 years, 3 initial +2 years), from 1st October 2024. The re-procurement provides an opportunity to review value for money for this contract and address the current overspend.
11. The current Sensory Support Hub model which acts as a single point of access for all sensory needs in York has driven efficiencies to the statutory provision. The proposed future contract will be performance related payment to ensure efficiencies are achieved within the entirety of the contract.

## Recommendation and Reasons

12. **Recommendation(s):**
  - a) To approve the procurement of a new contract for the Sensory Support Service for an initial term of 3-years, with an option to extend for up to a further 2-years.
  - b) To delegate authority the Corporate Director of Adult Services and Integration (and their delegated officers) in consultation with Chief Finance Officer (and their delegated officers in Commercial Procurement) to commence procurement from the market for a new contract for the Sensory Support Service for an initial term of 3-years, with an option to extend for up to a further 2-years via an open, fair and transparent competitive process and evaluation criteria in compliance with the Council's Contract Procedure Rules under Appendix 11 of the

Council's Constitution (the "**CYC's CPRs**") and (where applicable) under the Light Touch Regime under Regulations 74 to 76 and Schedule 3 of Public Contract Regulations 2015 (the "**Procurement Regs**")

- c) To delegate authority to the Corporate Director of Adult Services and Integration (and their delegated officers), in consultation with the Director of Governance (and their delegated officers in Legal Services), to determine the provisions of the new contract for the Sensory Support Service, and the provisions of any subsequent modifications and/or extensions thereto.
- d) To delegate authority to the Corporate Director of Adult Services and Integration (and their delegated officers), in consultation with the Chief Finance Officer (and their delegated officers in Commercial Procurement) and the Director of Governance (and their delegated officers in Legal Services), to award and conclude the new contract for the Sensory Support Service following an open, fair, and transparent competitive process and evaluation criteria in compliance with the Council's CPRs and (where applicable) the Procurement Regs.

**Reason(s):** The option proposed will comply with CYC's CPRs and the Procurement Regs in terms of completing an open, fair, and transparent process as the market has not been approached since 2017.

Further, the provision of the Sensory Support Service ensures the Council meets the statutory duty under the Care Act 2014 through prevention and delay, and the ability to plan anticipated needs (rehabilitation), assessment and eligibility, information and advice and registration data (Certificate of Vision impairment).

## **Background**

- 13. In York there are an estimated 7,140 people living with sight loss. This includes around 4,600 people living with mild sight loss, 1,580 people living with moderate sight loss and 960 people living with severe sight loss. Of the above, there are 1,035 people registered as blind or partially sighted. Roughly half are registered as blind and

half as partially sighted. By 2032 there are expected to be 8,410 people in York living with sight loss, an estimated increase of 18% over the next decade.<sup>1</sup>

14. An estimated 22,600 people have a moderate or severe hearing impairment, and 510 people have a profound hearing impairment. An estimated 1,360 people are living with some degree of dual sensory loss in York. Of these people, it is estimated that 550 are living with severe dual sensory loss.<sup>2</sup>
15. The current Wilberforce Trust Contract commenced on 1<sup>st</sup> April 2017 for 3-years to 31<sup>st</sup> March 2020 plus the option of a further 2-year extension until 31<sup>st</sup> March 2022 with a further 6-months agreed to 30<sup>th</sup> September 2022. The final 2-year extension was agreed from 1<sup>st</sup> October 2022 to 30<sup>th</sup> September 2024. The team provide a supportive service to anyone living with any degree of visual or hearing loss, and a separate contract called the children's mobility service.
16. In line with the Care Act 2014, the Sensory Hub (which acts as a single point of referral) ensures that adult customers with sensory impairment(s) are offered:
  - **Advice and information** - that helps prevent, reduce, or delay the need for ongoing care and support.
  - **Registration** - inform and advise people on the benefits of registration and complete the registration process for Certificate of Visual Impairment (CVI).
  - **Sensory Impairment Assessments**- identify people's support needs on a day-to-day basis, recognising any risks or challenges as a result of their sensory loss.
  - **Rehabilitation services** - for people with a visual impairment. The Service will offer rehabilitation support for eligible customers with visual impairment or who are Deafblind. There is a separate service for Children's mobility training.
  - **Support Plans**- through (and regular reviews of support plans) for customers receiving an ongoing intervention through this service.
  - **Access to Equipment**- to support daily living

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<sup>1</sup> <https://www.rnib.org.uk/professionals/health-social-care-education-professionals/knowledge-and-research-hub/key-information-and-statistics-on-sight-loss-in-the-uk/>

<sup>2</sup> <https://www.rnib.org.uk/professionals/health-social-care-education-professionals/knowledge-and-research-hub/key-information-and-statistics-on-sight-loss-in-the-uk/>

- **Deafblind support-** who are unable to benefit from those services aimed primarily at Visually Impaired or Deaf/Hard of Hearing customers.
17. In addition, the Service demonstrates added value by either directly providing or referring adults with sensory impairment(s) to the following types of support services:
- Volunteering and befriending services.
  - Equipment Demonstration and Resource Centre(s).
  - Counselling and emotional support services.
  - Employment and welfare support.
  - Education and training.
  - Social and leisure activities.
  - Community and peer support.
  - Other initiatives and forms of support.
18. The service has a separate contract with the SEND team providing Mobility Training for children and young people (CYP) in York. Initially this was to provide short-term support but has grown into a longer-term commitment. Since starting the work in September 2021, the Rehab team have provided regular support to CYP and further advice or assessment to others. Supporting and monitoring the progress of children with VI is a statutory requirement to ensure their needs are being met, as stated in the Children and Families Act, 2014 and SEND Code of Practice, 2015. Currently this involves mobility services for children and young people with a vision impairment.

## **Contract Monitoring and Performance**

19. Since contract inception on 1<sup>st</sup> April 2017, The Wilberforce Trust continues to satisfactorily deliver the contract under outcomes related to:
- Prevent, Reduce and Delay the need for ongoing Support
  - Provide Excellent Experiences of Care and Support
  - Flexible, Choice and Control
  - Linkages and Connections
  - Provision of accessible daily equipment.
20. Key highlights included a steady increase in total contacts since covid which affected the service. Contacts related to hearing loss reduced after the covid pandemic which affected the service. There has been a steady rise with contacts related to dual sensory

impairments and visual impairments. CVI registrations have remained steady. The table below summarises outcome 1 on prevention.

*Diagram 1: Prevent, reduce, and delay the need for ongoing support*

| <b>Outcome 1:</b>                           | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023 Minus Q4</b> | <b>Total Contacts Type</b>  |
|---|-------------|-------------|-------------|-------------|-------------|-------------|----------------------|-----------------------------|
| Total Contacts                              | 513         | 765         | 600         | 316         | 387         | 544         | 427                  | <b>3552</b>                 |
| Total New Contacts                          | 363         | 461         | 380         | 173         | 226         | 295         | 231                  | <b>1925</b>                 |
| Contacts related to Hearing Loss            | 230         | 332         | 264         | 114         | 121         | 158         | 141                  | <b>1360</b>                 |
| Contacts related to Dual Sensory Impairment | 14          | 49          | 33          | 28          | 30          | 47          | 31                   | <b>204</b>                  |
| Contacts related to Visual Impairment       | 209         | 371         | 303         | 174         | 234         | 327         | 245                  | <b>1863</b>                 |
| CVI registration                            | 31          | 106         | 111         | 72          | 78          | 88          | 69                   | <b>555</b>                  |
| Total contacts annually                     | 1360        | 2084        | 1691        | 877         | 1076        | 936         | 1144                 | <b>Total contacts: 9459</b> |

21. Providing effective, consistent, and joined up sensory provision for customers and their carers- self-referrals was the most preferred referral type followed closely by hospital referrals. At its peak, 2019 represented the most referrals which dipped due to covid but saw its peak in 2022.
22. The redesigned, reviewed and expanded brand new demonstration Sensory hub in February 2023 led to rise in enquiries and support required around items and equipment's. Items have been updated such as telephones, tinnitus relieving device, daily living aids,



technology and much more. The New equipment and resource hub has offered an updated technology and comprehensive choice of equipment.

23. The service has been able to maintain their waiting list (27 cases last year) and allocation time, mainly attributed to the other voluntary sensory support services in York as identified in the survey.
24. Covid enabled the service to innovate on how they communicate with their clients in alternative formats such as sign Video app for BSL, online meetings and audiobooks.
25. The commissioning team have conducted annual reviews with the provider that are focused on the following domains:
  - Enjoying and achieving- customer feedback has been positive where support has enabled their daily life to be impacted such as using an issued writing frame to be able to send handwritten letters or a liquid level indicator to be able to return a warm drink to their spouse.
  - Making a positive contribution-promoting independence, person centred assessments and working together with the customers on mobility training.
  - Social inclusion- customer feedback around accessing other agencies for support not provided such as MySight befriending or support groups.
  - Being Healthy-providing advice and information, ensuring equipment, advice, support, or training is provided to a high standard and appropriate signposting or onward referrals.
  - Develop sustainable social networks- Partnership working with RAD and teachers for the Deaf to develop strong links with the Deaf community, collaborative and partnership working with others in the sensory loss sector, such as Let's Get Active, with Thomas Pocklington Trust, Sight Loss Councils and MySight York.
  - Community participation- social media, signposting to organisations, collaborative events with other agencies.

- Reduction in social isolation- such as outreach support, advice and information while conducting assessments and signposting to other befriending agencies.
  - Promote choice and self-determination- Provision of assessments and support promoting self-independence.
  - Staying Safe-Onward referral to other teams and providing equipment to support with safely managing daily living tasks.
26. The proposed future contract will be performance related payment to ensure efficiencies are achieved within the entirety of the contract.

## Engagement around Future service delivery

### Methodology

27. To support this consultation, a task and finish group was conducted on 5 October 2023 to review the survey questions and discuss the communication and engagement plan. The group included people with lived experience of sensory loss and other stakeholders, including representatives from The Wilberforce Trust (YorSensory), MySight, York Older People's Assembly and North Yorkshire Sight Loss Council.
28. The survey was conducted for 10 weeks between 1<sup>st</sup> November 2023 to 8<sup>th</sup> January 2024 offered in different formats to ensure accessibility. The survey sought people's views about the current service provision and what changes could make improve the service (Further Information on **Annex A**)

### Survey Outcome

29. The survey responses showed that people with sensory loss rely on a wide range of services in York, beyond those which are funded by the council. It is clear these services are vital in supporting people's independence and wellbeing, but that more needs to be done to make it possible and easier for people to get out of their homes, access services, and stay connected to people and the community (Full report on **Annex A**).
30. Customers highlighted the following regarding the future provision of the service: Better Access to information and communication, better access to public spaces and services, better assistive technology and good quality equipment, improved awareness and

understanding of sensory loss, better access, and experience to transport services.

31. Customers indicated the following **outcomes** if the above were achieved; Being independent, staying mobile and getting out, improved communication, staying connected, feeling safe and more confident, being supported and ongoing support.

An example of some of the comments regarding independence were “Give me more freedom and independence”,

“I would be less reliant on others when shopping / taking medication.”,

“My wife struggles with her mental health and the changes to her sight. She is scared about how she will cope if I am not around to help her. She relies on me for a lot of her care needs.”

32. To summarise, the responses highlight the need for:

- Better promotion of sensory support services to ensure they reach out to all potential customers.
- Ongoing access to equipment and technology to support daily living, making sure it is of sufficient quality, and people know how to use it.
- A range of options for communicating with services, to meet people’s communication needs.
- Work to increase public awareness and understanding of sensory loss.
- Ongoing support for people as their needs and circumstances change, and the ability to access services when they need them rather than having to wait.

33. Participants of the deaf Café were also asked to give their views regarding the current sensory provision, of which, most related to lack of BSL interpreters mostly in Health settings. The Council got in touch with the PALS team at York Hospital who have agreed to co-produce with the deaf Café in a tendering exercise for a new provider of BSL Interpreter services at York Hospital as well as deaf volunteers to support deaf community in the hospital setting which resulted in a positive experience within the deaf community. There have also been improvements in relations with the YorSensory services in York. YorSensory offers and pays for the Sign Video subscription to ensure that people who use BSL are able to communicate with them if in need of sensory assessments for their customers or assign freelance face to face BSL interpreters.

## Organisational Impact and Implications

### *Financial Implications*

34. The current annual value of the contract is £186,300. However, the budget for the contract is £170,790, therefore the contract is currently overspending by £15,510 p.a. This will be in addition to Special educational needs and disabilities (SEND) contribution to children's mobility training of £16,224 p.a. bringing the annual contract value of **£187,014 p.a.** The total estimated contract value for the Sensory Support Service contract that will be advertised to invite competitive tenders is £935,070 over the term of the contract, which is for an initial term of 3-years, with an option to extend for up to a further 2-years from 1st October 2024. The re-procurement provides an opportunity to review value for money for this contract and address the current overspend.
35. The proposed future contract will be performance related payment to ensure efficiencies are achieved within the entirety of the contract.

### *Procurement Implications*

36. The total estimated contract value for the Sensory Support Service contract that will be advertised to invite competitive tenders is £935,070 over the term of the contract, which is for an initial term of 3-years, with an option to extend for up to a further 2-years from 1st October 2024. Therefore, this procurement does exceed the current Light Touch Regime (LTR) threshold of £663,540 which is applicable to Health and Social Care contracts. Therefore, the Public Contract Regulations 2015 stipulates that where a contract exceeds the LTR threshold a Contract Notice must be published in the public domain i.e., the website "Find a Tender", to invite competitive tenders to complete an evaluation and award of the contract.

The procurement for the Sensory Support Service will be advertised on the e-tendering website Yortender and also a Contract Notice will be published in the UK Government portal "Find a Tender" to advertise the commencement of the procurement exercise which will be conducted in an a compliant, open, transparent, and fair procedure in accordance with the current legislation of the Public

Contract Regulations 2015 (PCR's 2015) and also our CYC's Contract Procedure Rules (November 2023).

The Commercial Procurement team will support All Age Commissioning colleagues with going out to the market and commence a competitive tender process to re-procure Sensory Impairment Services in York. And enable CYC to go through a process that is fair, open, and transparent, and will ensure CYC secures value for money and the best outcomes for our customers.

There may be the consideration of existing staff from the current service provider Wilberforce Trust that support the delivery of the current Sensory Impairment Service contract who potentially may be liable to transfer under the provisions of TUPE (Transfer of Undertakings Protection of Employment) which will include actions before, during and after the tender period that need to be included into the Procurement Timetable, contract, evaluation of tenders and suitable timescales assigned to enable a seamless transfer of any staff that might be liable to transfer under TUPE to the successful bidder, if the incumbent provider doesn't tender or isn't awarded the contract following the completion of the evaluation of tenders received.

### ***Human Resources (HR) Implications***

37. If the current providers are successful in winning the contracts, there are clearly no HR implications for CYC. If other providers are successful in winning the contracts, TUPE is likely to apply, assuming that the employees attached to the undertaking fulfil the criteria to TUPE to the successful provider. The onus would then be on the current provider to ensure the Pensions assessment of the two schemes are broadly comparable.
38. If there are no successful providers and given that this is a statutory service, and the service was therefore 'In-sourced' it is likely that TUPE would apply assuming that the employees attached to the undertaking fulfil the criteria to TUPE. There would then be the associated pensions due diligence / actuarial assessment to ensure that the NYP was broadly similar to that of the current providers.

## ***Legal Implications***

### **39. Authority/Vires**

- a) Section 111 of the Local Government Act 1972 states that CYC may do anything that is calculated to facilitate, or conducive or incidental to, the discharge of any primary function.
- b) Section 1 of the Localism Act 2011 permits CYC to do anything that individuals generally may do.
- c) Under Rule 8.11 of the CYC CPRs, only the Executive may agree, or authorise another Officer to enter a contract under their delegated powers where the aggregate contract value (including any extensions) is worth more than £500,000 or is otherwise treated as a Key Decision. Given the likely value of the new Contract for the Sensory Support Service, and the likely impact it will have on the community, any decision in relation to this report will constitute a “Key Decision” under Article 7 of the CYC Constitution. The Executive is therefore the appropriate decision-making body in this instance.
- d) Any Key Decision (and any decision as to whether a matter should be considered a Key Decision) is subject to Call-In.
- e) The proposed procurement is also, in Legal’s view, not a “Routine Procurement.”

### **40. Statutory Duties**

- a) Under Section 2(1) of the Care Act 2014, CYC are under a duty to provide or arrange for the provision of services, facilities, or resources, or take other steps, which it considers will:
  - i. contribute towards preventing or delaying the development by adults in its area of needs for care and support;
  - ii. contribute towards preventing or delaying the development by carers in its area of needs for support;
  - iii. reduce the needs for care and support of adults in its area; and
  - iv. reduce the needs for support of carers in its area.

#### 41. ***Contract & Procurement Law Implications***

- a) The likely value of the proposed contract means any procurement of as a result of this Report will be likely be above the procurement threshold for the Light Touch Regime under the Procurement Regs.
- b) Any new Contract will need to be commissioned via a compliant procurement route under (where applicable) the CYC CPRs and the Procurement Regs, with advice from the Commercial Procurement team (see ***Procurement Implications*** above). An appropriate form of contract will need to be drafted and completed with support from Legal Services. Legal Services must also be consulted with on any proposed extensions and/or modifications to any new Contract post award.
- c) If CYC proceeds with going out for procurement, Adults & Integration must also consider and factor into their planning any relevant provisions under the current Contract, including (but not limited to) any relevant provisions with regards to the relevant transfer of staff from the Wilberforce Trust to any replacement provider under TUPE. Further advice on any requirements upon termination/expiry within the Contract must be obtained from Legal Services before proceeding with this option, as well as advice from other relevant departments (e.g., HR and Finance in respect of any TUPE/Pension related issues).

#### ***Health and Wellbeing Implications***

- 42. Overall, sensory services have a direct and positive impact on health and well-being outcomes by addressing various aspects of resident's experiences. By engaging the senses in positive and therapeutic ways, these services can directly contribute to improved health outcomes and enhance overall quality of life for those effected residents and their families. The services also have a preventative function enabling people to be more independent and thus avoiding preventable ill health, the Public health team is supportive of the way forward proposed in this report.

#### ***Equalities and Human Rights Implications***

- 43. CYC recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have

due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

44. An **Equalities Impact Assessment** has been carried out and is annexed to this report at **Annex B**. In summary, the result of the assessment is set out findings from EIA.

The impact of the proposals on protected characteristics has been considered as follows:

- Age – Positive/High
- Disability – Positive/High
- Gender – Positive/Low
- Gender reassignment – Positive/Low
- Pregnancy and maternity – Positive/Low
- Race – Positive/Medium
- Religion and belief – Positive/Low
- Sexual orientation – Positive/Low
- Other socio-economic groups including:
  - Carer - Positive/Medium (see Disability); Positive/Medium
  - Low-income groups – Positive/Medium
  - Veterans, Armed Forces Community– Positive/Low

### ***Data Protection and Privacy Implications***

45. DPIAs (Data Protect Impact Assessment – Annex C) are an essential part of our accountability obligations. Conducting a DPIA is a legal requirement for any type of processing, including certain specified types of processing that are likely to result in a high risk to the rights and freedoms of individuals. Under UK GDPR, failure to conduct a DPIA when required may leave the council open to enforcement action, including monetary penalties or fines. A DPIA is a 'living' process to help manage and review the risks of the processing and the measures the service area(s) have in place on an ongoing basis. It will need to be kept under review and reassess if anything changes.



46. The DPIA “screening questions” identified there will be processing of personal data, special categories of personal data and / or criminal offence data in the procurement of Sensory Support Service and the ongoing provision of this service and so a DPIA is required as part of the ongoing project/ plan/ procurement. The DPIA will help to:

- systematically analyse, identify, and minimise the data protection risks of this project
- assess and demonstrate how we comply with all our data protection obligations.
- minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what we want to achieve.

### ***Communications Implications***

47. The implications of this report for the communications service are minimal, with any post-decision involvement expected to be reactive only in relation to media enquiries about the number and/or quality of commissioned services, and potentially when and if commissioned services come to an end."

## **Options Analysis and Evidential Basis**

48. Per the above sections of this report, it has been recommended to approve the procurement of a new contract for the Sensory Support Service for an initial term of 3-years, with an option to extend for up to a further 2-years.

49. The service will continue to act as a single referral point for all adult customers with sensory impairment(s). The hub is a holistic service pathway which meets all statutory requirements under the Care Act 2014 for sensory impairment provision and offers a range of statutory and non-statutory interventions.

50. Compliance with CYC Procedure rules and Public Contracts Regulations 2015 would reduce any challenges from the market and provide an important opportunity of improving services. The competitive tendering process enable the Council to go through a process that is fair, open, and transparent, and will ensure CYC secures value for money and the best outcomes for our customers.

## Recommended Timelines

51. If the recommended approach is adopted the timeline for implementation of sensory service will be the following:

31<sup>st</sup> Jan 2024: DMT  
28th Feb 2024: CMT  
18th April 2024: Executive CMT  
April-May 2024: ASC Commissioning Team to prepare tender documents.  
May-June 2024: Tender Process  
July -Aug 2024: Evaluation and award of the contract  
Aug-Sept 2024: Implementation Phase  
1<sup>st</sup> Oct-24: New Service offer commences

## Risks and Mitigations

52. Risks are regularly reviewed and managed with required mitigations and controls put in place to minimise likelihood and impact.

## Wards Impacted

53. All

## Contact details

For further information please contact the authors of this Decision Report.

### Author

|                         |                                     |
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| <b>Report approved:</b> | Yes                                 |
| <b>Date:</b>            | 23/02/2024                          |

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| <b>Report approved:</b> | Yes                                 |
| <b>Date:</b>            | 23/02/2024                          |

## **Annexes**

- **Annex A:** City of York Sensory Provision Customer Feedback
- **Annex B** – Equality Impact Assessment (EIA).
- **Annex C** – Data Protect Impact Assessment (DPIA)