

Equality Assessment - 7 Kinch Grove, 54 Beechcroft Gardens, 63 Manor Drive

1. What are the objectives and expected outcomes of your proposal? Why is it needed?

This equality assessment is an update of the previously approved plan to undertake competitive tendering of service contracts with concurrent change in Care Quality Commission registration status at three council-owned properties on the people with disabilities who live there.

Kinch Grove, Beechcroft Gardens and Manor Drive are three properties that support 10 people with learning disabilities in the community. Brent Primary Care Trust transferred ownership of the properties to Brent Council in 2011 as part of their divestiture of assets. The tenants residing at the three Properties have complex/severe learning disabilities with associated needs. They have all lived in care environments for the majority of their adult lives, and their families worry for their future as they approach older age. All meet the eligibility criteria for social care needs, Care Act 2014.

As part of the Council's responsibility to ensure that people are receiving the right level of support in the least restrictive manner, the services have been working for a number of years to change their formal registration status with the Care Quality Commission from 'residential care home' to 'supported living'. 54 Beechcroft Gardens and 63 Manor Drive achieved supported living status by 2014. 7 Kinch Grove submitted an application in 2016.

As registered residential care homes, the lease/housing management arrangements and care contracts were transferred from Brent PCT to the Council in 2011 with incumbent providers. In 2014 Cabinet gave approval to commence the competitive tender process to establish new on-site care and support service contracts as required by procurement regulations.

There have been delays in achieving these objectives as we have met with family members and worked to find acceptable solutions to the concerns raised, and overcome issues in finding financially acceptable procurement solutions.

2. Who is affected by the proposal?**Users:**

There are 10 service users with severe/complex Learning Disabilities living in the three properties. They have all lived in care environments for the majority of their adult lives, and their families worry for their future as they approach older age.

Family Members:

The 10 service users living at the three properties have cognitive difficulties associated with their learning disability. Family members have been involved throughout the process to represent their views and assist in developing solutions to issues identified.

Provider/staff

The existing providers are affected as the competitive tender process means that they may lose their contractual arrangements with Brent Council for lease & housing management arrangements and the care & support contracts. The tender process will follow Brent Council Contract Standing Orders and EU/UK Legislation.

3a. Could the proposal impact on people in different ways because of their equality characteristics?

Yes – protected characteristic of Disability for the ten people living at the three properties.
This has been mitigated and is contained in a proposal to Cabinet.

3b. Could the proposal have a disproportionate impact on some equality groups?

Yes – protected characteristic of Disability for the ten people living at the three properties.
This has been mitigated and is contained in a proposal to Cabinet.

3c. Would the proposal change or remove services used by vulnerable groups of people?

No. The service provision will remain. The services are already focused on providing accommodation and care for an identified vulnerable group.

3d. Does the proposal relate to an area with known inequalities?

Yes – protected characteristic of Disability for the ten people living at the three properties.
This has been mitigated and is contained in a proposal to Cabinet.

3e. Is the proposal likely to be sensitive or important for some people because of their equality characteristics?

Yes – protected characteristic of Disability for the ten people living at the three properties.
This has been mitigated and is contained in a proposal to Cabinet.

There are ten people directly affected by these proposals. They live in the three properties and receive care and support according to their individually assessed needs, Care Act 2014.

3f. Does the proposal relate to one of Brent's equality objectives?

Yes – Objective Four – Responsive services (To ensure that local public services are responsive to different needs and treat users with dignity and respect)

4. Recommend this EA for Full Analysis?

Yes

FULL ANALYSIS

Equality Assessment Analysis

5. What effects could your policy have on different equality groups and on cohesion and good relations?

5.1 Age

Neutral

Positive

The proposals will have a neutral impact on age as a protected characteristic. The move to supported living status and the procurement of care and support contracts are independent of the service users' age.

The ten people living at the three properties are aged between 50 and 65 years. They have all lived in care environments for the majority of their adult lives and are now approaching older age. The service users will continue to live at these properties and receive the care and support they require based upon individualised support plans agreed with them and their family members. These

support plans will be adjusted as required to support individuals as they age and develop different needs or preferences.

It is possible that the change to 'supported living' will increase the service users access to community groups relevant to their age which could be of benefit to them, and therefore have a positive impact upon this protected characteristic should this occur.

5.2 Disability

Negative

Through additional consultation with family members for 7 Kinch Grove, it was identified that there was a potential negative impact on people with severe and complex disabilities, by moving to supported living style of care & support from the more traditional residential care, and by tendering the services where new providers could be appointed. These risks were potentially exacerbated by attempting to achieve both tasks in a short period of time.

The ten people living at 7 Kinch Grove and at the other two properties, 54 Beechcroft Gardens and 63 Manor Drive, have severe and complex needs related to learning disabilities and other associated health conditions. They each have some degree of cognitive difficulties, including reduced ability to remember what they have been told; to understand the detail of complex ideas; to explain their thoughts or concerns. This means that they will take longer to make sense of changes in their environment, and may experience unrest or display behaviours that are challenging to others. In general, this means that making change slowly is more beneficial to this client group. Family members identified that more time should be allowed after the change to supported living registration before the care and support contracts go out for competitive tender.

The suggestions put forward by the family members have been considered and agreed as the most appropriate way to mitigate the potential negative impact on this protected characteristic. A recommendation of this equality assessment is that the incumbent provider remains in place for sufficient time to ensure that each service user is settled and has adapted to the changes brought about by supported living status to their day-to-day activities and living arrangements before the tender process is commenced. It is recommended that Cabinet are requested to consider this approach to mitigating potential negative impacts.

5.3 Gender identity and expression

Neutral

Positive

It is anticipated that there will be no impact on marriage and civil partnership as a protected characteristic. The move to supported living status and the procurement of care and support contracts are independent of the service users marriage or civil partnership status.

We don't hold data on gender identity and expression, so we cannot say whether it will have an impact on this protected characteristic. However, tenants receive support that is based upon their personal needs as identified within their support plan, and not on the basis of whether or not they are a member of a protected group.

It is possible that the change to 'supported living' will increase the service users access to community groups relevant to their gender identity and expression which could be of benefit to them, and therefore have a positive impact upon this protected characteristic should this occur.

5.4 Marriage and civil partnership

Neutral

It is anticipated that there will be no impact on marriage and civil partnership as a protected characteristic. The move to supported living status and the procurement of care and support contracts are independent of the service users marriage or civil partnership status.

Within the learning disability population nationally rates of marriage and civil partnership are considerably lower than for groups who do not have a learning disability. All current service users at the three properties are single and do not have partners. Any change to this status would be considered within the wider context of their accommodation, care and support needs.

5.5 Pregnancy and maternity

Neutral

None of the service users have children or are pregnant, and a move to supported living status and the procurement of care and support contracts will have a neutral impact on this protected characteristic.

Support is based upon personal needs as identified within a individualised support plan, and not on the basis of whether or not they are a member of a protected group.

5.6 Race

Neutral

Positive

Of the affected service users, 60% are from White backgrounds, 30% are from Black / Black British backgrounds, and 10% from an Asian background.

The move to supported living from residential care represents a change in philosophy to increase choice for residents, but does not affect the level or type of care and support that they are provided with. This change does not increase the likelihood that a service user would need to move to another location within the borough, so there is no reason for the move to supported living status and the procurement of care and support contracts to cause disruption to any cultural connections or facilities that service users currently have access to.

The need to move to another location within the borough would only become necessary if a support review establishes that the current placement does not meet their needs; this is the same regardless of whether the client lives in residential care, or in a supported living setting. Should a service user need to be moved, their preferences would be taken into account wherever possible, however the primary consideration will always be to place service users where their specific care and support needs can be best met. Tenants receive support that is based upon their identified needs within their support plan, and not on the basis of whether or not they are a member of a protected group.

It is possible that the change to 'supported living' will increase the service users access to community groups relevant to their racial identity and expression which could be of benefit to them, and therefore have a positive impact upon this protected characteristic should this occur.

5.7 Religion or belief

Neutral

Positive

Of the affected service users, 30% are Christian, 10% are Hindu, 10% are Jewish, and 50% have no faith recorded.

It is anticipated that there will be no impact on religion or belief as a protected characteristic. The move to supported living status and the procurement of care and support contracts are independent of the service users religion or beliefs.

Individual support plans take into account an individual's needs arising from their religion, such as ensuring that ingredients selected or preparation methods for cooking lessons are compatible with the individual's religion.

It is possible that the change to 'supported living' will increase the service users access to community groups relevant to their religion or belief (such as church, mosque or temple services or religious groups) which could be of benefit to them, and therefore have a positive impact upon this protected characteristic should this occur.

5.8 Sex

Neutral

Positive

Of the affected service users, 50% are female and 50% are male.

It is anticipated that there will be no impact on sex as a protected characteristic. The move to supported living status and the procurement of care and support contracts are independent of the service users sex.

The move to supported living from residential care represents a change in philosophy to increase choice for residents, but does not affect the level or type of care and support that they are provided with, as this will continue to be dictated by detailed assessment of their individual needs.

It is possible that the change to 'supported living' will increase the service users access to community groups relevant to their sex (such as a woman's group) which could be of benefit to them, and therefore have a positive impact upon this protected characteristic should this occur

5.9 Sexual orientation

Neutral

Positive

We don't hold data on the sexual orientation of the service users, so we cannot say whether it will have an impact on this protected characteristic. However, tenants receive support that is based upon their personal needs as identified within their support plan, and not on the basis of whether or not they are a member of a protected group.

It is possible that the change to 'supported living' will increase the service users access to community groups relevant to their sexual orientation (such as a LGBT group) which could be of benefit to them, and therefore have a positive impact upon this protected characteristic should this occur.

5.10 Other

Economic Impact

Positive

The move to supported living status will have a positive impact for each service user, as they will become eligible to receive a wider range of welfare benefits, such as, housing benefit, employment support allowance, disability living allowance / personal independence payment, and greater choice and control over what they spend their money on.

6. Please provide a brief summary of any research or engagement initiatives that have been carried out to formulate your proposal. What did you find out from consultation or data analysis? Were the participants in any engagement initiatives representative of the people who will be affected by your proposal? How did your findings and the wider evidence base inform the proposal?

Further detail is contained in the Equality Assessment completed in December 2014.

We consulted each service user and their families face to face during this process, ensuring that the effects of the proposal were fully understood, and gaining individual feedback on what they felt the impacts would be, and any concerns that they had. We have worked closely with the family members advocating on behalf of the people living in the three properties to identify and develop solutions to the concerns raised. This has included face to face meetings with family members and the incumbent provider, on both a group and individual basis, and notes of meetings with agreed actions. The focus has been on 1) the plan to change the type of care provision from residential care home style to supported living style, with a change in formal registration with the Care Quality Commission, and 2) the requirement to competitively tender the care and support service contracts to meet Contract Standing Orders and EU/UK Legislation.

The approved procurement plan involved going to the market after all three properties had received their change in CQC status to 'supported living'. Consultation with family members of the four people living at 7 Kinch Grove were key to this process, as Kinch Grove was the only property that had yet to apply for the change to registration status in 2014. A key issue for families in 2014 was that there would be too much change in too short a time, taking account of the complex and severe disabilities of the people affected. The key concerns identified were:

- Changing registration status with CQC would result in negative impacts as supported living status would be insufficient to support the specialist needs of the service users
- Tendering of the care and support contract opened the possibility that the service provider would change and staff would leave resulting in a negative impact on the service users
- Completing these two activities closely together would exacerbate the negative impacts experienced by service users

This Equality Assessment addresses these concerns. The key findings have been used to amend the original plan and address the concerns raised by:

- Supporting family members to explore how existing supported living environments have had positive impacts on people with specialist, severe, and complex needs, similar to the people living at Kinch Grove
- Providing more detailed information around procurement legislation and tendering processes to help family members understand the reasons why the Council is obliged to tender the service;
- Confirming that family members would be invited to participate in the procurement, through development of the new service specification and evaluation of the submitted bids

- Proposing a delay to the tendering of the care and support contract to allow service users to adapt to the changes brought about by the move to supported living status before initiating the procurement phase.

7. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

Prohibited acts include direct and indirect discrimination, harassment, victimisation and failure to make a reasonable adjustment.

No

8. What actions will you take to enhance the potential positive impacts that you have identified?

The philosophy of supported living is that people with disabilities can receive the right level of care and support to meet their needs, without isolating them from the community in which they live. Supported living will mean each person will become a tenant, pay rent, and receive access to welfare benefits. This will give them greater choice and control over how they live, who they interact with, and what activities they choose to engage in both within their home and in their local community.

9. What actions will you take to remove or reduce the potential negative impacts that you have identified?

The key recommendation to mitigate the potential negative impacts is to allow more time to pass from achieving of supported living status with CQC before the competitive tender process is undertaken. This will allow the incumbent provider to work with the tenants to ensure they are well settled into the new style of care and support. Then if the competitive tender process results in a new provider being selected, the tenants are in a stronger position to adjust to this change.

10. Please explain how any remaining negative impacts can be justified?

The above proposed will be presented to Cabinet to approve the extension to the existing provider service contracts. If this is approved, then we will be implementing the changes as suggested though the consultation process.