Name of the activity being assessed	Policy on the Management of Supported Living Tenancies in BwD)					
Directorate / Department	Adults	ults Service Strategic Commissioning Assessment Author Rosemary Molyneux				
Is this a new or existing activity?	☑ New☐ Existing	Responsible manager / director for the assessment Mike Banks/Sayyed Osman			man	
Date EIA started	04/06/2018	Implementation date of the activity Click here to enter a date.				

SECTION 1 - ABOUT YOUR ACTIVITY

The aim of developing a policy on the Management of Supported Living tenancies and easy read guidance, is to set out the Council's approach to reviewing supported tenancies in which there are vacancies or where the environment is no longer suitable. The policy contains guidance on making decisions to assist meeting accommodation needs in an effective, fair and timely manner and provide transparency around non-viable tenancies.

How was the need for this activity identified? i.e. Why are we doing this

activity?

In 2017/18 Blackburn with Darwen (BwD) commissioned Supported Living services for approximately 95 people with Learning Disabilities, living in 'supported tenancies' in approximately 30 properties. Vacancies can occur at any time for a number of reasons; there were 8 vacant tenancies in September 2018. Vacant tenancies can put a financial strain on the resources of the Local Authority, on the housing or support provider or on the remaining tenants, if they are having to cover utility costs due to a decrease in the number of tenants sharing the bills.

The number of vacancies in traditional supported living tenancies looks set to rise as some properties are not meeting the needs of an aging population; tenants sadly pass away, creating vacancies where identifying a new 'compatible' tenant for the existing tenants can become difficult. Sometimes tenants choose to move to alternative accommodation, leaving former co-tenants 'behind'. Relationships, dynamics and compatibility change every time a tenant leaves a property, whatever the reason is. Well supported, person centred introductions to a new living situation do not always guarantee an acceptable long term living arrangement.

Whilst efforts continue to be made to find suitable people to fill these vacancies, many have been vacant for a considerable length of time, with no expectation of finding an alternative tenant to fill the vacancy. Historically, it has been perceived that the right of tenure of the tenant could not be challenged and therefore no real focus has been made to support tenants in this position to 'move on' and to look at reasonable alternatives to their situation when changes occur.

Local Authorities have a duty to ensure a person with an assessed eligible need is offered suitable accommodation; this policy is to support the LA in offering suitable alternative accommodation to any service user who is living in a supported living tenancy, which is not financially viable or no longer meets their assessed eligible needs. In developing a policy and protocol, the Council will fulfil its duties under the Care Act 2014, and will work with its statutory, voluntary and private sector partners, to ensure that care and support is relevant, coherent, timely and sufficient; therefore, ensuring value for money for the service users, BwD and the housing and support providers.

What is the activity looking to achieve?

What are the aims and objectives?

- Shorter periods of unoccupied tenancies
- Savings to individual service users through a reduction in the costs of shared household bills
- Reduction in social isolation for service users living on their own or sharing with people who they are no longer compatible with
- Reduction in safeguarding incidents caused by incompatibility
- Financial savings through a reduction in rental and care void costs.
- Savings to Providers where they stand the rental and care void costs.
- To support the continued delivery of reconfigured supported living services and new models and standards of accommodation which continue to meet service users' needs whilst promoting greater independence.
- Better value for money as traditional group home supported living can be an expensive model of care.
- To provide more affordable models of care to ensure the Local Authority can meet its increasing statutory demands with decreasing budgets
- To provide a transparent and fair process for meeting the accommodation needs of individuals and ensuring a robust and supportive approach to provide best value for Service users, Providers and the Council

	Ensure the involvement of	new and existing service users in the	neir accommodation changes.
Services currently	Manager for the Learning Disabi where all individuals looking for a Supported Living houses are loo looking for accommodation. Asse existing service users, is consider introductions can commence. Interest takes place, facilitated by the social	ng for approximately 95 people with lity Team of social workers chairs a accommodation are discussed. The ked at, alongside the assessment a essments and information from existence and potential compatible match troductions and further assessment cial worker, care provider and possibly need to be extended if a Best Interpretation.	monthly accommodation meeting available vacancies in any of the and preferences of the individual sting providers, on behalf of the nes are identified so that of the possible placement then ble future tenants. This process
provided (if applicable)	and/or the care service provider. cover, crisis bed cover, rental vo considerable length of time; sinc agreement with landlords and ca Commissioner agreed that due to in the number of people living in	ments generally occur. Payments ments can be associated with vacatids and care voids. A small number the commencement of the Support providers, in situations when the the complexities and compatibility a particular house was necessary. In ants' challenging behaviour and collered as bedrooms.)	ant tenancies, sleep in room of voids have been paid over a rted Living Contracts This was an Provider and BwD of the living tenants, a reduction For example, a 6-bedroom house
Type of activity	☐ Budget changes ☐ Change to existing activity	□ Decommissioning□ Commissioning	☐ New activity☒ Other Change in policy on managing vacant tenancies

What resources will support in undertaking the equality analysis and impact assessment?

Please identify additional sources of information you have used to complete the EIA, e.g. reports; journals; legislation etc.

Care support for these people is provided, in the main, by 5 Care Support organisations. The council's Strategic Commissioning Team contact care support organisations on a monthly basis to obtain data and updates on any voids/vacancies.

Payments made from April 2017 to March 2018 to cover voids totalled £141,048.

Who are you consulting with? How are you consulting with them? (Please insert any information around surveys and consultations undertaken)

Consultation regarding EIA and the intention to develop and implement the policy & protocol has taken took place with:

- **Creative Support** The Service Director and Area manager met with RM/AP from BwD Commissioning and Procurement Service (CAPS) on 11/07/18. Discussion included the EIA &reasons for the Policy and how to consult and involve service users. Creative Support suggested holding an accessible workshop using the draft policy.
- Thera North Community Support Leader and Regional Manager (Gemma Routh/Sam Hardman) met BwD CAPS (R Molyneux) 18/07/18 Discussion included the reasons for the EIA &Policy development and how to consult and involve service users.
- Alternative Future Group, Regional Manager met BwD CAPS (R Molyneux/A Perry) 21/08/18 Discussion included the reasons for the Policy, how to consult and involve service users and how to improve the decision making around vacancies. AFG gave e.gs of other processes used across the region
- **Progress Housing** Services Manager, Mary Briggs met BwD CAPS (R Molyneux) 2/08/18. Discussion included the reasons for the Policy and how to consult and involve service users. Mary gave a proactive response to looking at improvements and potential developments in the future.
- Places for People Specialist Landlord Operational Manager (Joanne Dean/Neil) met BwD CAPS (R Molyneux) 30/08/18. Examples were shared by Places for People of other accommodation processes used across region. They also offered to present at a wider consultation on the policy.
- **Select Support** regional manager (Denise Ujvari) & registered manager (Naseerah Jogeen) met BwD CAPS (R Molyneux) 4/09/18 Discussion included the EIA &reasons for the Policy and how to consult and involve service users. S Support shared their discussions and information on how they were following a similar policy with Lancashire C Council

- Care Network Hub, Carol Ward Disability Officer met R Molyneux. Discussion included the intension to develop a policy and suggestions of how to discuss this item on the LD board.
- The Learning Disability (LD) Partnership Board and the Autism Board were attended on the 08/08/2018 by BwD R Molyneux who presented an accessible introduction on Supported Living, how it was funded and the need to try and improve the way decisions are made about peoples' accommodation needs. She also spoke on the need to have a policy to try and keep the cost of vacancies down. Time was given for people (Which included people with LD) to ask questions and give suggestions. Feedback included views and opinions from Service users, Service Providers, Parent/carer representatives.
- The LD sub group for Housing and Benefits was attended by R Molyneux 31/07/2018. 3 partners and a person with Autism attended. Discussion, feedback and suggests were received on housing issues, the policy and how to consult with people.
- RESOLVE Service User community group for people with disabilities was attended by R Molyneux 15/08/2018 at care network Hub.
 An accessible presentation on Supported tenancies. Everyone in the group gave feedback and suggests of how accommodation needs could improve for them. RM received advice and suggestions on the process of decision making and how to involve service users.
- Monthly Accommodation and Complex Case meeting was attended by R Molyneux. The team of Social workers talked through the accommodation they were looking for on behalf of service users. The introduction of the policy was discussed and how to improve the current accommodation decision making process.
- BwD Legal department have been contacted by R Molyneux. Liaison and advice re content of draft policy will continue.
- **Two Provider Forums** were held between 2018 and March 2019. Progress and discussion was held with Housing and care Providers who attended. Providers are expected to consult with their service users on a regular basis regarding their tenancies. Questions and comments are encouraged and fed into the Quality team.

Proposal for Policy &Protocol discussed with members of the Senior Leadership Team (SLT) in July 2018. Authorisation given to progress with the consultation and development of policy. Agreement given to organise wider consultation workshop event.

	Service users			
Who does the activity impact upon?*		⊠ Yes	□ No	□ Indirectly

All Service Users affected by a move experience some impact. They might view their personal situation, with a particular potential tenancy as having positive and negative implications. Accommodation moves can be emotional; sometimes compromises have to be made e.g. location, number of co-tenants, co-tenants sometimes not being interested in all the same things you are etc. Ultimately the decision making is to match the service user to the best accommodation and co-tenant situation as possible.

The duty to meet the needs of individuals sometimes requires compromise on a person's range of wishes, although eligible assessed needs must be met. If the presumption of mental capacity is displaced, then an assessment of the service user's capacity to make

				decisions about their care and accommodation would be required, and Best Interests decisions would have to be made in respect of any service user found to lack capacity in relation to these issues. If agreement could not be reached with all relevant parties regarding the best interests of the incapacitated service user, then a Court of Protection welfare application would be required, Service users with capacity might still be vulnerable and appropriate support should be provided (including the provision of advocacy as appropriate).
Members of staff	⊠ Yes	□ No	☐ Indirectly	Staff are directly affected by accommodation moves. Support staff need to ensure they engage and build a positive relationship with any new client, regardless of personal feelings; providing high quality support. Closures of non-viable tenancies mean staff need to re-locate their place of work, and join new staff teams
General public	☐ Yes	⊠ No	☐ Indirectly	
Carers or families	⊠ Yes	□ No		Decisions can impact on family members. Family members might have mixed feelings about their loved one moving to a new living environment. As cares they may have more personal time as a result of their relative moving out of the family home but still want the 'best' accommodation and co-tenants to live and be compatible with their adult loved one. Differences in opinion can occur. The families' opinions will be considered but won't be the only deciding factor; where necessary, in decisions where people do not have capacity a best interests process will be followed. If a carer/family member has legal authority to make relevant decisions for a service user (e.g. an LPA/COP Deputyship) the relevant legal process will be followed.
Partner organisations	⊠ Yes	□ No		Partner organisation can be directly/indirectly impacted on. Providers and partner organisations are expected to offer a robust, fair and person centred approach; professional decisions can include

Sex

☐ Religion

or belief

□ Race

refer to p. 3 of the

guidance notes)

orientation

□ Deprived

communities

☐ Carers

^{*}If no impact is identified on any of the protected characteristics a full EIA may not be required. Please contact your departmental Corporate Equality & Diversity representative for further information.

Does the activity contribute towards meeting the Equality A public authority must have 'due regard' (i.e. const	
DUTY	DOES THE ACTIVITY MEET THIS DUTY? EXPLAIN
Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act (i.e. the activity removes or minimises disadvantages suffered by people due to their protected characteristic)	A policy on unoccupied tenancies ensures a transparent process for decision making on accommodation vacancies that will support minimal financial impact on the remaining tenants, the Council and in some cases for the housing and support provider. It will provide a framework and easy read guidelines to follow, ensuring the most reasonable and fair decisions are made for people that might have limited understanding or a limited 'voice' in occupancy changes that are often beyond their control.
Advance equality of opportunity between those who share a protected characteristic and those who do not (i.e. the activity takes steps to meet the needs of people from protected groups where these are different from the needs of other people)	This policy promotes fair and equal decision making that supports full occupancy levels where possible as well as financial sense for all partners and occupants. Providing supported accommodation, it promotes the opportunity for tenants to develop relationships and friendships that enhance health and wellbeing and decrease social isolation. The policy and guidelines ensure that decisions on accommodation allow peoples' wishes and preferences to be considered as well as addressing each person's individual assessed needs.
Foster good relations between people who share a protected characteristic and those who do not (i.e. the function encourages people from protected groups to participate in public life or in other activities where their participation is disproportionately low)	All tenancy requirements are considered in detail with thorough individual assessments that identify need and personal requests. These inclusive processes allow for people with support needs to live within their local communities and integrate with their local neighbourhood. The policy takes into account the need for compatibility amongst co-tenants

ASSESSMENT Is a full EIA required? ⊠ Yes □ No	
Please explain how you have reached your conclusion (A lack of negative impacts must be justified with evidence and clear reasons, highlight how the activity	ty
negates or mitigates any possible negative impacts)	
A full EIA is necessary, based on the needs of the specific client group and the need to ensure their rights. The policy and protocol will ensure equal and	
transparent decision making between all partners. People will be clear about their responsibilities. The robust consultation allows full involvement of all	
stakeholders, who may potentially have different priorities at a given time, to reach the most reasonable, person centred decision that meets the vulnerable	
person's needs and the business requirements.	

It is not effective or safe to retain accommodation that is of a poor standard, physically not meeting a tenant's environmental needs, or is not financially sustainable. The development of the EIA and substantial consultation on the policy and protocol has allowed time to inform people why such a policy is recommended and how the policy and protocol can assist decisions to ensure fairness and reasonableness, when supporting vulnerable people who might have limited understanding.

All the consultation opportunities have included the time to look at and read the draft policy, including an easy read version. Rewording and changes have been made when discussed and agreed.

FULL EQUALITY IMPACT ASSESSMENT

SECTION 3 – ANALYSIS OF IMPACT

Does the activity have the potential to:

- **Positively** impact (benefit) any of the groups?
- **Negatively** impact/exclude/discriminate against any group?
- **Disproportionately** impact any of the groups?

Explain how this was identified – through evidence/consultation.

Any negative impacts that are identified within the analysis need to be captured within the action plan in Section 4

N.B. Marriage & Civil Partnership is only a protected characteristic in terms of work-related activities and NOT service provision

Characteristic	Positive	Negative	Don't know	Reasons for positive and/or negative impact Please include all the evidence you have considered as part of your analysis	Action No.
Age					
Disability				Supported Living provides an ordinary living situation in local neighbourhoods for people with Learning Disabilities; the opportunity with the right support and physical adaptations helps them to access community living, just like everyone else. Supported Living for many years has allowed people, previously hospitalised, to have the opportunity to live in their local neighbourhood. This model of support has proved very successful for many people, over the years. Sometimes friendships or compatibility issues may prove challenging; some people find difficulty in living with others. If this occurs, finding an alternative placement for someone can be challenging, there may be periods of time where a solution to find alternative accommodation is not always as speedily found as required. As tenants become older, they can become frail or physically disabled. Homes need to be adapted; if this is not possible, support is required to help them move to a more accessible house. The policy will facilitate these situations to be identified and supported. Vacant tenancies can have a financial impact on service users, the Council, housing	1 2
				provider or care provider. Tenants have to increase their utility payments when	3

EIA version [2]

		covering vacancies. Rental and care support voids are most often picked up by the Council.	
Gender reassignment			
Marriage & Civil Partnership			
Pregnancy & Maternity			
Race			
Religion or Belief			
Sex			
Sexual orientation			
Vulnerable Groups			
Deprived Communities			
Carers	×	Sometimes an adult with learning Disabilities chooses to become more independent and supported living provides this option, whilst still providing the support that they need. This can be a positive experience for parents, especially if the parent/s are older or have ill health. The experience as a parent/carer can be positive and negative, given the level of change on their own lifestyle and their concerns that their loved one is supported to the standard that they have provided. Accommodation choices can sometimes be limited. Meeting a person's accommodation and care needs as well as all their wishes and preferences is not always possible. An individual may have to compromise on certain wishes; as the existing tenants might have to, when welcoming a new person into their home. For some carers, securing appropriate long-term accommodation with support outside the family home can bring real peace of mind.	4
Other [please state]			

Does the activity raise any issues for community cohesion?

Does the activity contribute positively towards community cohesion?

People with learning Disabilities are an asset to their local communities. They have a reputation of being very good neighbours and tenants. Over the years communities have realised the benefits of having neighbours with learning disabilities and how they maintain their homes and involve themselves in their local neighbourhood.

Does the activity raise any issues in relation to human rights as set out in the Human Rights Act 1998? Details of which can be found here	Supported Living provides a model of care and support to provide people with learning Disabilities to have access to ordinary living accommodation, as is their right.
	Is the activity on the departmental risk register? If it is not, should it be? The introduction of this policy and protocol for accommodation decision making, involves a number of Partners, whilst responding to the needs of vulnerable adults. The needs of one vulnerable person have to be considered, in line with potentially opposing needs of another vulnerable person/persons.
	Financial implications in a Supported Living model are inevitable when a tenancy becomes vacant. Void costs, both housing rental and care support can occur. Commissioning these services involves contracts and negotiation between the Council, Service Providers, Housing Providers and service users and carers. With no current policy or protocol, some stakeholders may view the introduction of such as having a negative, restrictive or financial impact on them.
	The policy suggests that after a period of time, vacancies are reviewed and if not filled, consideration is given to alternative ways of covering void payments which may include service users. It also suggests that where the Council considers a flat or house as no longer viable, existing tenants would need to be supported to find new accommodation that is more appropriate to their needs.
Does the activity support / aggravate existing departmental and/or corporate risk?	Sometimes differences of opinion can occur between the people involved – the individual looking for accommodation, existing tenants, care providers, housing providers, social workers, family or advocates. Situations and decisions have to be managed in a fair and reasonable manner, with transparency. Introduction of this policy and protocol will assist in this process but could potentially attract adverse feedback and publicity, based on any one of the partners involved and their perception of a decision that involves more than one person.
	The risk is that decisions made by the Council to meet the needs of any individual/s could be open to challenge by any of the partners mentioned above and/or services users and their families/ representatives. The implementation of the policy/protocol requires professionals to make recommendations and decisions that may be perceived by any individual or organisation as unequal or unfair, if more than 1 person is affected by a decision. Professional decisions in meeting a range of needs for people with learning disabilities require a professional judgement. In implementing the policy/protocol, some decisions will be financial. If perceived as unfair to a service user and challenged, the Council's reputation is at risk of adverse feedback/publicity. Decisions may also be subject to legal challenges.
	For this reason, it is advised to put this EIA on the Departmental Risk Register.

CONCLUSIONS OF THE ANALYSIS

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Action following completion of the in	Action following completion of the impact assessment						
It is important that the correct option is The action plan must be completed as	,	lings of the analysis.					
☐ No major change in the activity	☐ Adjust activity		☐ Stop and reconsider activity				
Please explain how you have reache	d your conclusion						
obtained. Ongoing consultation through developing such a policy. Feedback ha be fair, reasonable and transparent, wh There might, at times, be differences of	Considerable consultation has already taken place with stakeholders; agreement and confirmation on the need to develop a policy and protocol has been obtained. Ongoing consultation through the implementation for all stakeholders will continue. No partner or service user or carer has raised concerns about developing such a policy. Feedback has provided reinforcement and support to provide guidelines and clear expectations so that accommodation decisions can be fair, reasonable and transparent, whilst at the same time working to decrease the length of time vacancies occur and therefore decrease the financial impacts. There might, at times, be differences of opinion with individual circumstances; a policy and protocol to ensure best practise will facilitate the difficult decisions when the needs of one individual may be at conflict with the need of another/others.						
There has been full agreement durin	g consultations and discuss	sions with all partners and stakeholders, of t	he need to develop a policy and protocol.				
representation of service users and the	eir carers was and will continue	ration workshop, involving all stakeholders who re to be a priority. It is intended that the BwD Corervice users, their carers/families/representatives	mmissioning and Procurement service will				

Blackburn with Darwen Borough Council **SECTION 4**

ACTION PLAN

Action No.	What is the negative / adverse impact identified?	Actions required to reduce / mitigate / eliminate the negative impact	Resources required	Responsible officer(s)	Target completion date
1	Sometimes SU friendships, compatibility issues prove challenging; some people find difficulty in living with others. To find an alternative living situation where relationships have broken down, can take time.	The policy and protocol will ensure professionals involved carry out holistic assessments to include accurate identified needs and wishes and feelings of individual/s. Protocol to include: information and pen picture from existing tenants via the care provider, to show what type of person would be as best a match as possible. Support will be given to SUs to support their emotional wellbeing and provide as best a 'match' as possible, to meet their needs. Information to be provided to the SU in their preferred method of communication. Decreasing the length of time, a vacancy occurs will decrease the financial strain on all those involved. Some Housing Providers will cover void costs by insurance	SW to complete holistic assessments, best interest meetings, court of protection. Providers to communicate and support all potential tenants/tenants involved.	R Molyneux to identify in Policy: Team Manager LD team to lead practise.	
2	People may want to remain in property that has become physically unsuitable.	Policy and protocol will ensure Professionals involved carry out holistic assessments to include accurate identified needs and wishes and feelings of individual/s. OT assessments etc. will be provided if needed. Adaptations rather than a move will be looked at first if this is best for the SU.	Time of professionals to do assessment. Time of Support worker.	Provider to identify any change in need	November 2018
3	Vacant tenancies can have a financial impact on service users, the Council, housing provider or care provider. Tenants have to increase their utility payments when covering vacancies. Rental and care support voids are most often picked up by the Council.	Implementing the policy and protocol will facilitate a speedier filling of vacancies, hence less time for the tenants to cover extra utility bills. Speedier filling of vacancies and protocol to ensure the best match as possible for potential tenants and their accommodation needs, will decrease void payments.	All partners to work in collaboration	R Molyneux to identify in Policy/protocol:	

Blackburn	with Darwen Borough Council			EIA version	[2]
		Robust, holistic social care assessments with			
4	The experience of a loved one moving into Supported Living, from a parent/carer perspective, can be positive and negative; given the level of change on their own lifestyle and their concern that their loved one is supported to the standard that they have provided. They may be fearful and uncertain which may influence their response to a placement that might not be in the best Interests of their adult family member.	clear evidence of the person's voice. Effective communication with the service user and (where relevant) to/from parent/carers/other relevant parties by all partners. Capacity assessments to be completed where there is doubt about the service user's capacity to make decisions around support and accommodation. Best Interests meetings to take place where decisions are required for any service user who lacks capacity on those specific issues. Where agreement cannot be reached as to the best interests of an incapacitated service user, a Court of Protection application will be required,	Time of social workers, care staff providers, family members'/service user reps and legal services	Team manager for learning Disabilities to direct	

MONITORING AND REVIEW

The responsibility for establishing and maintaining the monitoring arrangements of the EIA action plan lies with the service completing the EIA. These arrangements should be built into the performance management framework.

Monitoring arrangements for the complet	ion of EIAs will be undertaken by the Corporate Equality & Diversity Group and the oversight of the action plans will be
undertaken by the Management Account	ability Framework.
If applicable, where will the EIA Action Plan be monitored?	e.g. via Service Management Team; Service Leadership Team; Programme Area Meetings
	It will be monitored and reviewed via the service management team within the Strategic Commissioning team Adults, Communities and Prevention
How often will the EIA Action Plan be reviewed?	e.g. quarterly as part of the MAF process
	Annually as above
When will the EIA be reviewed?	It should be reviewed at least every 3 years to meet legislative requirements
	November, annually
Who is responsible for carrying out this review?	Head of Strategic Commissioning in Adults, Communities and Prevention

SIGN-OFF

Author Signature	Rosemary Molyneux	Date	13/09/2018		
Head of Service/Director Signature	Mike Banks	Date	13/09/2018		
The above signatures signify acceptance of the ownership of the full EIA, the responsibility for the associated Action Plan (if applicable) and the responsibility to publish the completed full EIA as per the requirements of the Equality Act 2010.					
Departmental E&D Lead Signature	G.m. Rid	Date	21/09/2018		