

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

<b>Name or Brief Description of Proposal</b>	Void and Nominations Agreement for Scheme A
<b>Brief Service Profile (including number of customers)</b>	
<p>Southampton’s Integrated Commissioning Unit published their Market Position Statement (MPS), ‘Housing Solutions for People with Care &amp; Support Needs’ 2015 – 2018, which outlines our requirement to increase housing options for people with complex learning disabilities, which supports increasing housing options for people with learning disabilities.</p> <p>This is further enhanced within the Learning Disabilities Market Position Statement (2018 – 2023), supporting an increase in appropriate housing for people with complex needs.</p> <p>In order to support access into some of these settings, the council is required to enter into a Void and Nomination agreement, for this specific scheme.</p> <p>Void and nomination agreements give the council guaranteed access and rights to ‘nominate’ tenants to occupy designated properties.</p> <p>In return for nomination rights the council accepts liability for void costs, guaranteeing payment of rent to Registered Providers.</p> <p>Entering into this agreement will enable the identified property to continue to be utilised as a supported living scheme within the city, aligning with Council, Clinical Commissioning Group and City strategies and providing consistent access to housing appropriate to meeting the needs of individuals with Learning Disabilities in the longer term.</p>	

Three tenants currently live in the flats, with a further two tenants identified to move into the flats, pending the decision.

### **Summary of Impact and Issues**

Supported living environments enable vulnerable individuals to live their lives within communities, supporting outcomes associated with increasing independence and improved health and wellbeing, thereby supporting a Strengths Based Approach.

These improved outcomes, alongside an ability to manage support needs more flexibly, result in the delivery of more cost effective care and support for Adult, Housing and Communities budgets.

The scheme is a complex of five one bedroom flats owned by a private individual, currently operating as a supported living scheme. The property provides accommodation for three adults with learning disabilities, with another two adults identified to move in, pending confirmation of the agreement.

The current owner wishes to sell the property and has been approached by a housing investment firm, who are interested in purchasing the property, in line with their organisational strategy.

The format of this scheme, namely individual flats, is in line with the Learning Disability Market Position Statement 2018 - 2023

The investor has negotiated a price to purchase and requires the council to enter into a voids & nominations agreement covering the property in order for them to proceed. If the council is unable to enter into this agreement, the purchase will not go ahead. This presents a risk that the current owner will sell to the property on the open market, putting its operating as a supported living environment at risk. In this event the council would be required to source alternative placements for the current tenants, bringing a number of negative impacts for the current tenants and a high likelihood of increasing care costs.

### **Potential Positive Impacts**

Each tenant has rights and responsibilities in relation to their tenancy. The current tenants have been able to develop skills in independent living, such as accessing volunteering and meaningful activities, improving their community access, and improving activities of daily living, including self-care.

Void and Nomination agreements give the council guaranteed access and rights to 'nominate' tenants to occupy designated properties. Such nomination rights enable the council to manage the mix of tenants and needs within each scheme, reducing the risks of placement breakdown and requirement for crisis support whilst making best use of the level of care and support available on site. In this way the services are able to be managed more efficiently. In return for nomination rights the council accepts liability for void costs,

guaranteeing payment of rent to Registered Providers. By agreeing to the Void and Nominations with the Registered Provider of Scheme A, we would secure the property for the future, and enable the correct mix of tenants to be placed.

Entering into void and nomination agreements commits the council to potential financial liability and risk to for the duration of the agreement, which is typically 25 years. However, these liabilities are only realised when voids occur. There are a number of factors which mitigate the impact of these liabilities:

- The council has the ability to fill and manage voids in line with its outlined nomination rights. Significant progress has been made in improving the council’s management of void properties by the ICUs Care Placement Service with average void rates now sitting at 8%, a reduction from 15% as of September 2017.
- The increased use of housing with care is a key deliverable within ICU work plans. It is central to AHC savings programmes and meets a number of strategic drivers, meaning demand will grow over time, further reducing the risk of voids in the longer term.
- The increased use of housing with care in preference to residential settings continues to make significant contributions towards the council’s savings programmes, outweighing any potential or actual liability over the life time of agreements.
- The ICU has developed a standard Void and Nomination agreement which is in the process of being reviewed by Legal Services prior to being shared with relevant parties. It is expected that this template will be used for all future agreements and will help to secure favourable terms for the council, i.e. void grace periods, further reducing risk.
- Time limited voids costs – void and nomination agreements typically include a void free period, commonly 90 days.
- The proposed void and nomination agreement is for a 25 year period and subject to termination clauses, should we wish to extricate ourselves from the agreement.

<b>Responsible Service Manager</b>	Kate Dench
<b>Date</b>	20/10/18
<b>Approved by Senior Manager</b>	Carole Binns
<b>Date</b>	

## Potential Impact

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
<b>Age</b>	<p>The individuals are all adults (18+).</p> <p>There will be no change to the age range for accessing the service and no negative impact is identified. Current tenants will be able to continue to reside in the service.</p>	<p>As tenants get older, adaptations can be made where an individual assessment highlights a requirement to do so.</p>
<b>Disability</b>	<p>There is no additional impact in relation to a voids and nominations agreement being in place, however, all people accessing the property have a learning disability and this will continue to be the group accommodated meaning there is no negative impact.</p> <p>Communication needs related to learning disabilities can impact on individuals understanding of their rights and responsibilities in managing their tenancy.</p>	<p>Current arrangements will continue which include:</p> <ul style="list-style-type: none"> <li>• Tenants are supported with easy read tenancies and other adjusted forms of communication.</li> <li>• Where necessary, advocacy services are in place to help support the individual/s regarding tenancy decisions.</li> </ul>
<b>Gender Reassignment</b>	No identified negative impacts.	Not required
<b>Marriage and Civil Partnership</b>	No identified negative impacts.	Not required
<b>Pregnancy and Maternity</b>	No identified negative impacts.	Not required
<b>Race</b>	No identified negative impacts.	Not required
<b>Religion or Belief</b>	A number of individuals have diverse ethnic heritage, but the Void and Nominations will not present any additional impact.	Individuals will continue be supported to develop an individualised care and support plan. These plans will take into account the person preferences and

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		wishes relating to culture and traditions.
<b>Sex</b>	No identified negative impacts.	Not required
<b>Sexual Orientation</b>	No identified negative impacts.	Not required
<b>Community Safety</b>	<p>There are no negative impacts as the void and nominations agreement allows for the continuation of the current service, however, in general, community safety can be a concern and issue for some individuals.</p> <p>There remains stigma of people with learning disabilities in the community. Entering into this agreement, which supports people to live in ordinary housing, helps to address this stigma and enables potential tenants to be part of their local communities.</p>	<p>A number of actions are in place to continue to address community safety issue if they arise.</p> <p>There is a police representative sat on the Learning Disabilities Partnership Board who supports on community safety innovations.</p> <p>There is an active Hate Crime campaign that raises awareness to support reporting of incidents for people with disabilities. Providers are training their workforce in Hate Crime. Safer Places work is being relaunched and Life Skills service will support this.</p> <p>Providers undertake work with surrounding neighbours to support tenants to build positive relationships.</p>
<b>Poverty</b>	No identified negative impacts. The void and nominations agreement does not impact on the cost or benefits of tenants, however, tenants do need support to maximise their benefits, and be supported into employment opportunities and this is part of their care and support plan.	<p>Current arrangements will continue which include:</p> <ul style="list-style-type: none"> <li>• Financial assessments are carried out for all clients and consistent rules apply to charging that take account of a tenants living costs.</li> <li>• Life skills service</li> </ul>

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		offers their services to the tenants to support people to access work opportunities.
<b>Health &amp; Wellbeing</b>	No identified negative impacts. The void and nominations agreement does not impact on health and well-being, however, people with learning disabilities experience a number of health conditions at an earlier stage than the general population. Current arrangements to address this will continue and are not changed as a result of entering into the agreement proposed.	Current arrangements will continue - all individuals are offered a health action plan to identify health issues and develop reasonable adjustments in order that individuals can access appropriate healthcare.  Referrals to health services are supported, should there be there be a requirement.
<b>Other Significant Impacts</b>		