

EQIA Submission – ID Number

Section A

EQIA Title	Recommissioning of the Older Persons Residential and Nursing Contract (OPRN)
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Responsible Officer	Heidi Ward
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Type of Activity

Service Change	No
Service Redesign	No
Project/Programme	No
Commissioning/Procurement	Commissioning/Procurement
Strategy/Policy	No
Details of other Service Activity	No

Accountability and Responsibility

Directorate	Adult Social Care and Health
Responsible Service	Commissioning
Responsible Head of Service	Simon Mitchell - ST SC
Responsible Director	Richard Ellis

Aims and Objectives

The council has a statutory duty to provide services to those people who require care. Kent County Council currently commissions a range of adult social care services from the independent sector to meet the needs of individuals deemed to be eligible in accordance with the Care Act 2014 following a Care Act assessment. The Older Persons Residential and Nursing care services fall under the Adult Social Care function within the council.

The current Older Persons Residential and Nursing Contract started in April 2016 and ended 31st March 2024. A two year extension of the contract has been put in place until 31 March 2026. The contract is to be recommissioned and a new service put in place for a start date of 1 April 2026.

The aim of the recommissioning is to ensure the right residential and nursing accommodation is available for the people of Kent that provides high quality care and best value for money. As part of the recommissioning, an equality impact analysis has been carried out identifying potential positive and negative impacts on the intended client group. The contract is mainly for people aged 65 years and over with care and support needs including physical disabilities and complex and challenging behaviours and therefore there is a recognition that mitigations must be in place to reduce the potential negative impact the recommissioning could have on people living in a care home and their families and carers.

The objective is to ensure a smooth service transition that priorities people being able to remain living in the place they call home and continue to receive a high quality service that best meets their needs.

Mitigations include

1. Engage with people of Kent about our commissioning intentions and ensure their feedback is considered as part of the service redesign
2. Engage with providers to ensure a collaborative approach to service design
2. Ensuring a contracting model such as a open Dynamic Purchasing System (DPS) model that encourages and facilitates current providers to retender for the contract thereby minimising disruption and ensures new providers entering the market can join the contract at any time.
2. Ensuring an attractive fee setting mechanism that works for KCC and providers to ensure providers retender for the contract rather than focus on the private market
4. A collaborative approach to communicating to care home residents and their families and carers regarding the service changes to alleviate any anxieties and concerns

Section B – Evidence

Do you have data related to the protected groups of the people impacted by this activity?	Yes
It is possible to get the data in a timely and cost effective way?	Yes
Is there national evidence/data that you can use?	Yes
Have you consulted with stakeholders?	Yes
Who have you involved, consulted and engaged with?	
Initial internal and external Adult Social Care and Health colleagues (ICB) and Medway Council. Internal stakeholders have included short term pathways, the placements team, policy and client financial services, however, further engagement will be undertaken with a wider set of stakeholders including the community and voluntary sector to determine a collaborative and joined up recommissioning approach Work is ongoing to determine how best to engage with service users and their families and carers. Surveys have been designed and conversations have taken place with Healthwatch Kent to seek their support in engaging with people.	
Has there been a previous Equality Analysis (EQIA) in the last 3 years?	Yes June 2023
Do you have evidence that can help you understand the potential impact of your activity?	Yes

Section C – Impact

Who may be impacted by the activity?

Service Users/clients	Service users/clients families and carers and people likely to be accessing ASC services in the next 4- 6 years
Staff	Yes, KCC staff from a resource perspective and being well informed and care home staff depending on providers joining the contract
Residents/Communities/Citizens	All people who are or will be accessing ASC services, their families and carers
Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing?	Yes

Details of Positive Impacts

Age: The service is for persons aged 65 years and over unless a person of working age needs can be best met in a care home for older people i.e., someone with early onset dementia. The new service will need to ensure that it meets the needs and specialisms relating to that cohort of people that ensures that people receive appropriate care including at end of life. (Engage with ICB/hospices through 'Aging and Dying Well Kent Board')

Due to the financial circumstances that older people often face commissioners will ensure that the service is affordable and accessible for self funders, and for those who contribute to their social care costs so that people in need of residential care across Kent can access the service at a fair and affordable price.
There will be consideration of current gaps in service provision including for people with complex long term conditions, dementia and bariatric care to ensure the service meets the demand and needs of all older people who require this service. Commissioners will work with the market to develop this area of the service to improve provision and ensure that people can receive care in a care home that is near to family and friends and within the Kent boundary where appropriate.

Disability: Commissioners will work together to ensure a pathway approach to care so that People's health and disability needs can be met within the most appropriate setting using a step up and step down approach that facilitates people not having to access residential care until it is deemed the best option to

meet their care needs.

The service has designed and drafted a new set of outcome focused KPIs that will require providers to evidence how they are delivering good quality care to meet people's needs and align with the CQC's quality statements.

Promotion of equality, human rights and equal opportunities will be reflected in the new service specification and terms and conditions to ensure people receive high quality services dedicated to their needs and meeting all regulatory standards

Carers: The service will benefit families and carers as the service will aim to improve and provide more equitable provision of services of the right type across Kent so that people can be placed near their families and friends where possible. The contract will also offer short-term services for people in need of respite.

Other protected characteristics including religion, race, sex will be considered when finalising the specification which set out the expectations of providers around these areas.

Negative impacts and Mitigating Actions

19. Negative Impacts and Mitigating actions for Age

Are there negative impacts for age?	Yes
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Details of negative impacts for Age

A risk that some providers choose not to tender for the opportunity or may not be successful with their application to join the DPS. This could result in a lack of contracted provision and the repurchasing and renegotiation of placement cost that could result in people's financial contribution increasing or the provider giving notice on their placement.

If people are not constructively communicated and informed of the recommissioning older people may experience anxiety and stress related to the potential change.

Mitigating Actions for Age

An open DPS contracting model that supports the development of the market to meet need and demand, attracts new business and ensures those providers can join the KCC contract quickly and efficiently. Commissioners will have constructive and transparent relationship engagement with current and potential new providers to encourage them to join the new contract

Finalise a comprehensive engagement and communication plan to ensure coproduction at all levels of the recommissioning activity

Agree continuity plans with any current providers who are unsuccessful/choose not to apply to join the DPS to keep current placements on individual contracts and mitigate against increase costs to people using the service.

Ensure a robust specification and contract management processes are adopted to ensure a high quality and safe service.

The design of a robust fee mechanism that ensures value for money for self funders and people contributing to their own care but addresses provider financial sustainability to avoid providers exiting the market

Responsible Officer for Mitigating Actions – Age	Heidi Ward
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20. Negative impacts and Mitigating actions for Disability

Are there negative impacts for Disability?	Yes
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Details of Negative Impacts for Disability

A risk that some providers who specifically meet the needs of people with disabilities choose not to tender for the opportunity or may not be successful with their application to join the DPS. This could result in a lack of suitable contracted provision and the repurchasing and renegotiation of placement cost that could result in people's financial contribution increasing or the provider giving notice on their placement.

That all services are not joined up and aligned to ensure people are in the right service to meet their

<p>disability needs over age and that the transition between services is not well defined. i.e. a working age person placed in a care home for older people when they are better suited to a home for working age people.</p> <p>If people are not constructively communicated and informed of the recommissioning older people may experience anxiety and stress related to the potential change.</p>	
Mitigating actions for Disability	
<p>An open DPS contracting model that supports the development of the market to meet people's physical disability needs and demand, attracts new business and ensures those providers can join the KCC contract quickly and efficiently.</p> <p>Ensure that commissioning activity is aligned both on service design and cost of service to avoid any group being disadvantaged when contributing to their care costs, the quality of the service they receive, and accessibility of appropriate services in Kent and need to family and friends.</p> <p>Commissioners will have constructive and transparent relationship engagement with current and potential new providers to encouraged them to join the new contract</p> <p>Finalise a comprehensive engagement and communication plan to ensure coproduction at all levels of the recommissioning activity regarding addressing people with a disability</p> <p>Agree continuity plans with any current providers who are unsuccessful/choose not to apply to join the DPS to keep current placements on individual contracts and mitigate against increase costs to people using the service.</p> <p>Ensure a robust specification and contract management processes are adopted to ensure a high quality and safe service that meets the needs of people with physical disabilities.</p> <p>The design of a robust fee mechanism that ensures value for money for self funders and people contributing to their own care but addresses provider financial sustainability to avoid providers exiting the market</p>	
Responsible Officer for Disability	Heidi Ward
21. Negative Impacts and Mitigating actions for Sex	
Are there negative impacts for Sex	No. Note: If Question 21a is "No", Questions 21b,c,d will state "Not Applicable" when submission goes for approval
Details of negative impacts for Sex	
Not Completed	
Mitigating actions for Sex	
Not Completed	
Responsible Officer for Sex	Not Completed
22. Negative Impacts and Mitigating actions for Gender identity/transgender	
Are there negative impacts for Gender identity/transgender	No. Note: If Question 22a is "No", Questions 22b,c,d will state "Not Applicable" when submission goes for approval
Negative impacts for Gender identity/transgender	
Not Completed	
Mitigating actions for Gender identity/transgender	
Not Completed	
Responsible Officer for mitigating actions for Gender identity/transgender	Not Completed
23. Negative impacts and Mitigating actions for Race	
Are there negative impacts for Race	Yes
Negative impacts for Race	
Service does not value or respect a person's race causing stress and anxiety	
Mitigating actions for Race	
Ensuring service specifications meet all guidance around racial discrimination that mitigates against anxiety	

stress that the person may experience. Ensure that people and staff are respected at all times and providers to have a robust policy to ensure they meet equality laws.	
Responsible Officer for mitigating actions for Race	Heidi Ward
24. Negative impacts and Mitigating actions for Religion and belief	
Are there negative impacts for Religion and belief	Yes
Negative impacts for Religion and belief	
Service does not value or respect a person's religion or beliefs causing stress and anxiety	
Mitigating actions for Religion and belief	
Ensuring service specifications meet all guidance around religion and beliefs. Ensure any change to an individual's religion/belief are added to care plan and ensure service values and respects peoples wishes and mitigates against anxiety stress that the person may experience. Ensuring that an individuals including staff are respected at all times and robust data protection protocols in place (DPIA). Providers to have a robust policy to ensure they meet equality laws.	
Responsible Officer for mitigating actions for Religion and Belief	Heidi Ward
25. Negative impacts and Mitigating actions for Sexual Orientation	
Are there negative impacts for Sexual Orientation	Yes
Negative impacts for Sexual Orientation	
Service does not value or respect sexual orientation that results in people suffering from anxiety or stress	
Mitigating actions for Sexual Orientation	
Ensuring service specifications meet all guidance around sexual orientation including any change to an individual's sexual orientation and ensure changes to care plan or service values and respects peoples wishes and mitigates against anxiety stress that the person may experience. Ensuring that an individuals privacy is respected at all times and robust data protection protocols in place (DPIA). Providers to have a robust policy to ensure they meet equality laws.	
Responsible Officer for mitigating actions for Sexual Orientation	Heidi Ward
26. Negative impacts and Mitigating actions for Pregnancy and Maternity	
Are there negative impacts for Pregnancy and Maternity	No. Note: If Question 26a is "No", Questions 26b,c,d will state "Not Applicable" when submission goes for approval
Negative impacts for Pregnancy and Maternity	
N/A	
Mitigating actions for Pregnancy and Maternity	
N/A	
Responsible Officer for mitigating actions for Pregnancy and Maternity	Not Completed
27. Negative impacts and Mitigating actions for Marriage and Civil Partnerships	
Are there negative impacts for Marriage and Civil Partnerships	Potential
Negative impacts for Marriage and Civil Partnerships	
People who are married and entering the care system are not considered as a couple and care homes being unable to meet the needs together to ensure people in relationships are able to remain together.	
Mitigating actions for Marriage and Civil Partnerships	
To ensure engagement plans and specification development address the negative impact of services to relationships and develop the market to support keeping older people in a relationship together. Also ensuring a joined up commissioning approach to see where service design can work to best accommodating people in partnerships. E.g., extra care facilities on the same site as care homes.	
Responsible Officer for Marriage and	Heidi Ward

Civil Partnerships	
28. Negative impacts and Mitigating actions for Carer's responsibilities	
Are there negative impacts for Carer's responsibilities	Yes
Negative impacts for Carer's responsibilities	
carers are not facilitated to feed into service design through engagement/coproduction resulting in services that don't facilitate carer accessibility and input into their loved one's care. A person's care needs can't be met close to the carer's home causing stress for both the carer and their 'loved one'	
Mitigating actions for Carer's responsibilities	
Consider KCC Carers' Strategy and ensure appropriate engagement with carers at all levels of service redesign through comprehensive engagement plan - surveys, face to face workshops.	
Responsible Officer for Carer's responsibilities	Heidi Ward