

## Equalities Comprehensive Impact Assessment - Head of service review

Reference: ECIA438785099

Submitted: 03 August 2022 09:07 AM

### Executive summary

**Title of policy / decision:** Registered emergency provision for looked after children

**Policy / decision type:** Key Decision

**Overview of policy / decision:** Agree to undertake a single stage open procurement to seek a provider to deliver Ofsted registered emergency care and accommodation for vulnerable, looked-after Children and Young People under the age of 16 years, in an Essex County Council owned property.

Agree that the high-level evaluation criteria for the procurement will be 80% quality and 20% price with 10% of the quality score assessing social value.

Agree that the Executive Director, Children, Families and Education is authorised to agree the detailed award criteria for the procurement.

Agree to award a three year contract to the successful bidder, with provision to extend for up to two further years.

Agree that the Executive Director, Children, Families and Education is authorised to award a contract to the successful bidder.

Agree to use and draw down up to £600,000 capital funding (agreed within the Capital Programme) to appropriate and carry out works to a 3 bedroom detached house, a former school caretaker's cottage, in Roach Vale (Colchester) to be used for the provision of these services.

Agree that the Director of Performance, Investment & Delivery is authorised to agree the terms of appropriation and improvement works for the property, when he is content that costs are within agreed budget and represent value for money and planning permission for change in use has been obtained.

Agree to lease the property, for a term of five years (with an option to terminate after three years), at peppercorn rents to the successful provider, for use in the exclusive provision of the services.

Agree that the Director of Performance, Investment & Delivery is authorised to agree the terms for the lease to the provider.

Agree to re-allocate £650,000 from the temporary accommodation budget line in the Education portfolio to the solo placements budget line in the Children's Services and Early Years Portfolio to ensure funding is in the correct portfolio should funding be required for two properties in the current financial year, this will bring the total to £1.2m.

**What outcome(s) are you hoping to achieve?:** The Department for Education has, as part of a series of reforms to improve the standards in children's social care, placed restrictions on Local Authorities placing looked-after Children and Young People under the age of 16 years ("Looked After Children") in unregulated accommodation from 9 September 2021.

ECC have previously, when sourcing regulated placements for Looked After Children with highly complex and challenging needs, used short-term unregistered settings as a temporary alternative, when registered provision is unavailable.

Predicting how much registered emergency provision ECC will need at any given point is difficult; we cannot predict when emergency provision will be required and how long it will take to source longer term placements using this provision. To determine how much provision would be needed, officers have looked at placement trends over the past five years and placement information from the financial year 2021/22.

Trends over the past five years suggest that a maximum of four emergency placements have been required at any point in time. Trends also show that more Looked After Children with Social, Emotional and Mental Health needs require this provision than Looked After Children with Disabilities (CWD).

In the financial year 2021/22 (up to January 2022), ECC made nine emergency unregulated placements for Looked After Children, at an average cost of £8,000 per week. Five of those placements were for CWD.

Based on this information, officers have determined that up to four emergency placements would be needed to meet future needs: three for Looked After Children with Social, Emotional and Mental Health needs and one for CWD.

To meet current needs for this type of provision and whilst longer term solutions have been explored, ECC took a decision in September 2021 to secure access to two blocked beds in emergency registered provision for Looked After Children with Social, Emotional and Mental Health needs for an eight month period. ECC also took a decision in November 2021 to use The Hollies Flat (formerly known as the Chestnuts) at Lavender House to deliver emergency care and accommodation for CWD, as a temporary solution whilst a longer term solution is put in place. The provision for CWD at the Hollies Flat is being delivered in house by ECC and 13 permanent staff have been recruited for this purpose.

A review of the market in Essex has shown that there is no more Ofsted registered emergency care and accommodation for Looked After Children with Social, Emotional and Mental Health needs available at this time. The market has indicated that it struggles to find appropriate buildings, to secure the capital to acquire the buildings, to negotiate the planning and Ofsted registration process, and to make the delivery of these services viable financially. They have however indicated that they would be interested in delivering care and support services if ECC could provide the buildings and provide financial security via longer term contracts. In order to be compliant with the new Regulations, the Council needs a solution as soon as possible to ensure that a long term plan for registered provision is available, should it be needed.

The strategic approach is for ECC to acquire, appropriate or build up to four buildings and procure market provider(s) to deliver Ofsted registered emergency care and accommodation for Looked After Children with Social, Emotional and Mental Health needs within three of these buildings. A fourth building will be used as longer term and alternative site to The Hollies Flat, at Lavender House, for the in-house delivery of Ofsted registered emergency care and accommodation for CWD by ECC. Discussions with other Local Authorities have indicated that this model has been successful in securing this type of provision and ensuring compliance with the new regulations. This option is also recommended as The Hollies Flat is only a temporary solution and a longer term alternative site is required for ECC to deliver its Ofsted registered emergency care and accommodation for CWD.

The ideal premises would be detached three bedroomed houses where one room would be used by the child or young person, one by the carer and one room could be used for office accommodation, with the remainder of the house providing a homely setting where the child or young person can feel at ease whilst a longer term placement can be found.

A Strategic Business Case was approved by the Recovery Advisory Board, in November 2021, to make a £2.4m capital funding provision within the Council's Capital Programme for the acquisition, appropriation and undertaking of necessary improvements of up to four properties for this purpose.

Officers have explored suitable sites and have potentially found four suitable sites enabling between 4-7 placements however only one property is in a position to proceed at this time. This property is a 3 bedroom

detached house, a former school caretaker's cottage, in Roach Vale, Colchester.

This building will need improvements to ensure it is fit for purpose as well as planning consent for change of use from residential use (use class C3) to institutional residential use (C2). The caretaker's cottage at Roach Vale is owned by ECC and currently vacant. There is no lease or service occupancy on it.

It is recommended that officers draw down the capital money for the appropriation and improvement works to this site and that the Director of Performance, Investment & Delivery is authorised to approve the terms of appropriation and necessary improvement works required to bring this building into use.

It is recommended that a five year lease, with a break at year three, and payment of a peppercorn rent, will be entered into with the successful provider for the services contract. The length and terms of the lease will align with the services contract. The provider will be expected to maintain the building to an agreed standard over the duration of the lease and on hand back. The individual terms for the lease have not yet been finalised and it is proposed that the Director of Performance, Investment & Delivery will finalise these before placing the contract notice for the procurement. The provision of buildings at peppercorn rents acts as an incentive for providers and encourages bids and market engagement in the procurement. Feedback from soft market testing and other authorities is that charging a rent for the property to the service provider acts as disincentive to bid and the rental costs would be priced into their bids. The rental costs would therefore be passed back to ECC through higher costs of providing the service.

It is recommended that officers undertake a single stage open procurement to seek a provider to deliver services within the property at Roach Vale. It is recommended that the term for this contract is three years with the provision to extend for up to a further two years.

It is proposed that the high level criteria of 80% quality and 20% price are used in the procurement with 10% of the quality score assessing social value. This allocation has been used since we know that outcomes are poor for Children in these settings so we want the best quality to ensure outcomes are better. We also know that the staff required for these settings need to be highly skilled and competent given the nature of the children's needs going into these settings. The authority therefore needs providers to demonstrate this and we need to be able to distinguish the difference between providers.

The detailed award criteria for price, quality and social value have not yet been finalised and it is proposed that the Executive Director, Children, Families and Education will finalise these before placing the contract notice.

**Executive Director responsible for policy / decision:** Helen Lincoln (Children, Families and Education)

**Cabinet Member responsible for policy / decision:** Kevin Bentley (Leader of the Council)

**Is this a new policy / decision or a change to an existing one?:** New policy / decision

**How will the impact of the policy / decision be monitored and evaluated?:** As this paper relates to a single stage open procurement to seek a provider to deliver Ofsted registered emergency care and accommodation for vulnerable, looked-after Children and Young People under the age of 16 years, in an Essex County Council owned property as well as all necessary steps that needed to make that possible. There will be a high-level evaluation criteria for the procurement will be 80% quality and 20% price with 10% of the quality score assessing social value.

This decision will also keep us compliant with the restrictions on Local Authorities placing looked-after Children and Young People under the age of 16 years ("Looked After Children") in unregulated accommodation from 9 September 2021. As any new provider within the Essex County Council property would be registered and monitored by Ofsted this would mean that their delivery of care would be monitored as well as their registration status.

**Will this policy / decision impact on:**

**Service users:** Yes

**Employees:** No

**Wider community or groups of people:** Yes

**What strategic priorities will this policy / decision support?:** A good place for Children and Families to Grow

**Which strategic priorities does this support? - Families:** Outcomes for vulnerable children

**What geographical areas of Essex will the policy / decision affect?:** All Essex

## **Digital accessibility**

**Is the new or revised policy linked to a digital service (website, system or application)?:** No

## **Equalities - Groups with protected characteristics**

### **Age**

**Nature of impact:** Positive

**Extent of impact:** Medium

### **Disability - learning disability**

**Nature of impact:** None

### **Disability - mental health issues**

**Nature of impact:** Positive

**Extent of impact:** Medium

### **Disability - physical impairment**

**Nature of impact:** None

### **Disability - sensory impairment**

**Nature of impact:** None

### **Sex**

**Nature of impact:** None

### **Gender reassignment**

**Nature of impact:** None

### **Marriage / civil partnership**

**Nature of impact:** None

### **Pregnancy / maternity**

**Nature of impact:** None

### **Race**

**Nature of impact:** None

## **Religion / belief**

**Nature of impact:** None

## **Sexual orientation**

**Nature of impact:** None

**Rationale for assessment, including data used to assess the impact:** We know after a review of the market in Essex has shown that there is no more Ofsted registered emergency care and accommodation for Looked After Children with Social, Emotional and Mental Health needs available at this time. The market has indicated that it struggles to find appropriate buildings, to secure the capital to acquire the buildings, to negotiate the planning and Ofsted registration process, and to make the delivery of these services viable financially

Therefore, allowing a procurement of emergency regulated provision for children and young people in care which will be delivered in an Essex County Council owned property would be a positive as it will ensure support is available to support a young person under the age of 16 who required an emergency regulated placement. While there are currently short term options to provide this approach would ensure we were compliant with the ban on unregulated placements for under 16s in the longer term.

Those under 16 utilising this provision could include those with mental health issues as this support is based on need and does not exclude any group of children or young people based on their protected characteristics.

**What actions have already been taken to mitigate any negative impacts:** N/A

## **Levelling up - Priority areas & cohorts**

### **Children and adults with SEND, learning disabilities or mental health conditions (taking an all-age approach)**

**Nature of impact:** None

### **Children on Free School Meals**

**Nature of impact:** None

### **Working families**

**Nature of impact:** None

### **Young adults (16-25 who have not been in education, training or employment for around 6-12 months)**

**Nature of impact:** None

### **Harlow**

**Nature of impact:** None

### **Jaywick and Clacton**

**Nature of impact:** None

### **Harwich**

**Nature of impact:** None

## **Basildon (Town) housing estates**

**Nature of impact:** None

## **Canvey Island**

**Nature of impact:** None

## **Colchester (Town) - Housing Estates**

**Nature of impact:** None

## **Rural North of the Braintree District**

**Nature of impact:** None

**Rationale for assessment, including data used to assess the impact:** Although this provision of emergency regulated placements for under 16s could be beneficial for a child or young person with mental health conditions it is limited to just the under 16s with the appropriate need. Therefore, it does not represent an all-age approach.

In regards to the different levelling up areas, this provision could benefit under 16s currently in those areas but it would be a small number of children who will benefit from this provision as this is available for any under 16 with the necessary need in the Essex County Council footprint. But as trends over the past five years suggest that a maximum of four emergency placements have been required at any point in time we have judged this provision to not be enough of a benefit to those areas to validate a positive impact.

**What actions have already been taken to mitigate any negative impacts:** N/a

# **Equalities - Inclusion health groups and other priority groups**

## **Refugees / asylum seekers**

**Nature of impact:** None

## **Homeless / rough sleepers**

**Nature of impact:** None

## **Offenders / ex-offenders**

**Nature of impact:** None

## **Carers**

**Nature of impact:** None

## **Looked after children**

**Nature of impact:** Positive

**Extent of impact:** Medium

## **Veterans**

**Nature of impact:** None

## **People who are unemployed / economically inactive**

**Nature of impact:** None

## **People on low income**

**Nature of impact:** None

## **Working families**

**Nature of impact:** None

**Rationale for assessment, including data used to assess the impact:** We know after a review of the market in Essex has shown that there is no more Ofsted registered emergency care and accommodation for Looked After Children with Social, Emotional and Mental Health needs available at this time. The market has indicated that it struggles to find appropriate buildings, to secure the capital to acquire the buildings, to negotiate the planning and Ofsted registration process, and to make the delivery of these services viable financially

Therefore, allowing a procurement of emergency regulated provision for children and young people in care which will be delivered in an Essex County Council owned property would be a positive as it will ensure support is available to support a young person under the age of 16 who required an emergency regulated placement. While there are currently short term options to provide this approach would ensure we were compliant with the ban on unregulated placements for under 16s in the longer term.

Those utilising this provision could include those who are currently being looked after with a traditional care provider and then the placement could break down which would require an emergency placement bed. This provision of emergency regulated provision would then benefit looked after children as it would provide a suitable safe environment where they can receive appropriate care while a longer term suitable care setting is found for them to transition to.

**What actions have already been taken to mitigate any negative impacts:** N/a

## **Equalities - Geographical Groups**

### **People living in areas of high deprivation**

**Nature of impact:** None

### **People living in rural or isolated areas**

**Nature of impact:** None

### **People living in coastal areas**

**Nature of impact:** None

### **People living in urban or over-populated areas**

**Nature of impact:** None

**Rationale for assessment, including data used to assess the impact:** There is no targeted work with these groups so we have come to conclusion that there is no specific impact on these geographical groups. However children / young people under 16 living in high deprivation, rural or isolated areas, coastal areas or living in urban or over populated areas could be supported by this provision as this provision is available to all children / young people under 16 in the Essex County Council footprint providing they have the necessary need.

**What actions have already been taken to mitigate any negative impacts:** N/a

## Families

**Family formation (e.g. to become or live as a couple, the ability to live with or apart from children)**

**Nature of impact:** None

**Families going through key transitions e.g. becoming parents, getting married, fostering or adopting, bereavement, redundancy, new caring responsibilities, onset of a long-term health condition**

**Nature of impact:** None

**Family members' ability to play a full role in family life, including with respect to parenting and other caring responsibilities**

**Nature of impact:** None

**Families before, during and after couple separation**

**Nature of impact:** None

**Families most at risk of deterioration of relationship quality and breakdown**

**Nature of impact:** None

**Rationale for assessment, including data used to assess the impact:** As this provision deals directly with looked after children and young people who are under the age of 16 with the necessary need for an emergency placement we do not believe the groups above are impacted. This is due to Essex County Council not requiring more than four emergency placements at any one time.

Of these maximum of four placements at any one time the children in these provision could come from very different family situations so we do not have enough evidence to show a positive impact on this section at this time.

**What actions have already been taken to mitigate any negative impacts:** N/a

## Climate

**Does your decision / policy involve elements connected to the built environment / energy?:** No

**Does your decision / policy involve designing service provision and procurement to minimise freight and staff travel and enable use of active and public transport options?:** No

**Does your decision / policy involve elements connected to waste?:** No

## Action plan to address and monitor adverse impacts

**Does your ECIA indicate that the policy or decision would have a medium or high adverse impact on one or more of the groups / areas identified?:** No

## Details of person completing the form

**I confirm that this has been completed based on the best information available and in following ECC guidance:** I confirm that this has been completed based on the best information available and in following ECC



guidance

**Date ECIA completed:** 03/08/2022

**Name of person completing the ECIA:** Andrew Graham

**Email address of person completing the ECIA:** Andrew.Graham@essex.gov.uk

**Your function:** Adult Social Care

**Your service area:** Adult Social Care Commissioning

**Your team:** Early Help & Carers Team

**Are you submitting this ECIA on behalf of another function, service area or team?:** Yes

**Function:** Children, Families and Education

**Service area:**

**Team:**

**Email address of Head of Service:** dale.evans@essex.gov.uk