

## Equalities Comprehensive Impact Assessment - Head of service review

Reference: ECIA520403808

Submitted: 14 August 2023 10:55 AM

### Executive summary

**Title of policy / decision:** Residential Children's Homes – response to Prior Information Notice (PIN).

**Policy / decision type:** Cabinet Decision

**Overview of policy / decision:** As part of the reforms to improve the standards in children's social care, the Department for Education placed restrictions on Local Authorities placing Children and Young People in unregistered accommodation, accommodation which is not registered with Ofsted, as of the 9th of September 2021.

The Council's average number of unregistered placements has continued to rise moving from 6 to 9 at any one time this year. Observing a high of 13. The current average length of stay in unregistered placements is 86 days, with a range of 4 – 301 days.

Registered, local and stable placements lead to better outcomes for most Children and Young People by building on existing networks and enhancing access to services.

In January 2023 a Prior Information Notice (PIN) was placed for solo children's homes to explore options and to see the existence of this market to look to reduce the Council's levels of unregistered placements.

An unprecedented response was observed with more than 30 expressing an interest and at least 6 being considered a viable option. A previous attempt in June 2022 had resulted in a response of 3 with none being considered viable.

The need for residential care can arise quickly. Therefore, it is necessary for the Council to have direct access to a range of reliable and effective residential care options to deliver safe, local, registered placements for young people. Providers report hundreds of referrals per vacancy. This report proposes we block purchase beds from a range of providers. A blocked bed can only be referred in to by the Council, which guarantees its availability.

A cabinet decision is being sought to:

- Agree to undertake a single stage open procurement for up to 12 registered blocked placement contracts for an initial period of 1 year, plus the potential to extend for 1 further year with a value of up to approximately £16m (awaiting finance confirmation).
- Agree that the contract will contain a mutual 6-month break clause to reduce the financial liability and risk to the Council and to providers entering the arrangement.
- Agree the Executive Director, Children's, Families and Education is authorised to award the contracts to successful bidders.

Beds will be blocked on a "1 year, plus 1 year extension" per placement contract. Provision will be made in the contract to allow for a young person, placed near the end of the contract, to stay beyond the duration of the contract if appropriate and in accordance with their care plan.

Blocked beds result in a financial liability as the Council is responsible for paying for vacant beds. This can be mitigated against operationally by planning early, having active early vacancy discussions and supporting high occupancy levels.

Choosing not to block beds results in less certainty of placements meaning registered provision may not be available at the time it is needed. This could result in the Council committing an offence by utilising unregistered placements if no registered provision is accessible.

**What outcome(s) are you hoping to achieve?:** - Greater, and guaranteed, access to placements for children in care.

- Reduced reliance on illegal unregistered placements.
- Reduced placement stability and better outcomes for children in care.
- Better financial planning.
- Improvement in the amount of children place 'in county'.

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

**Cabinet Member responsible for policy / decision:** Beverley Egan (Children's Services and Early Years)

**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?:** We currently have the option to make placements under our Framework. A full framework review was considered by the Function Leadership Team on the 18th of May 2023 where it was decided to close the framework and instead utilise block contracts moving forward. We will monitor outcomes for young people and costs, as well as the amount of young people in unregistered beds, via Mosaic reporting data.

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

**Service users:** Yes

**Employees:** No

**Wider community or groups of people:** No

**What strategic priorities will this policy / decision support?:** Health, Independence and Wellbeing for All Ages, A good place for Children and Families to Grow

**Which strategic priorities does this support? - Health:** Promoting independence

**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:** Low

### Disability - learning disability

**Nature of impact:** Positive

**Extent of impact:** Low

## **Disability - mental health issues**

**Nature of impact:** Positive

**Extent of impact:** Low

## **Disability - physical impairment**

**Nature of impact:** None

## **Disability - sensory impairment**

**Nature of impact:** Positive

**Extent of impact:** Low

## **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:** Age has been selected as 'young people' will be impacted by this decision more than others, as it is young people, predominantly teenagers, living in residential care.

There is potentially a slightly larger incidence of males impacted by this decision as generally there are a few more males in residential care than females, but it's small numbers, hence not selecting an impact for this option.

It is worth noting that overall the races of children that are in residential care is very mixed with the majority being White British. However, an increasing number of children seeking migration are entering residential care. 16.6% of Essex children and young people in care (n=191 children out of 1150) are from BAME backgrounds.

Compared to the national average, there is an over representation of Dual Heritage (7.9% compared to 2.2%) and Black (4.5% compared to 3.4%) 0-17 year olds in care.

We will give consideration to looking at the ethnicity and diversity of the providers, potential language barriers and the translation services available. Children seeking migration may have suffered trauma so consideration will also be given to the availability of counselling and bereavement services. Additionally these placements will focus on 'needs specific care' and providers are required to be qualified in providing trauma informed care.

Despite the above, 'no impact' has been selected for Race because the numbers of children impacted will be exceptionally low (we are only creating approximately 12 additional placements overall). We are striving to create equity for children, and accessibility of provision, by being 'needs led', regardless of race, disability etc, rather than equality of provision.

There will be a small positive impact on children with disabilities. Currently there is a higher percentage of children with a disability placed out of county compared to those children who do not have a disability. 66.7% (n=47) of children with disabilities are placed out of county compared to 55% (n=632) of children without disabilities being placed out of county. We anticipate that some of the providers selected as part of this tender will be able to offer placements to children with some forms of disabilities (mental health, sensory and potentially LD), thus having a low positive effect on children with disabilities by increasing in county provision.

This decision will only impact Children in Care and it will not positively or negatively impact those with other protected characteristics any more or less than it will the next child / young person. It should be noted that these placements will be accessible to young people who are currently in unregistered provision - this cohort, and therefore the protected characteristics of the young people, are constantly changing.

**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:** Positive

**Extent of impact:** Low

### **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:** Some of the children who are currently in unregistered placements have SEND, learning disabilities or MH conditions. These children may benefit by being moved to a registered placement if this decision is approved. Impact will be low as we are looking to block purchase around 12 beds and therefore only a maximum of 12 children at a time will be impacted.

For context currently there is a higher percentage of children with a disability placed out of county compared to those children who do not have a disability. 66.7% (n=47) of children with disabilities are placed out of county compared to 55% (n=632) of children without disabilities being placed out of county. We anticipate that some of the providers selected as part of this tender will be able to offer placements to children with some forms of disabilities (mental health, sensory and potentially LD), thus having a low positive effect on children with disabilities by increasing in county provision.

**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:** Positive

**Extent of impact:** Low

### **Homeless / rough sleepers**

**Nature of impact:** None

### **Offenders / ex-offenders**

**Nature of impact:** Positive

**Extent of impact:** Low

### **Carers**

**Nature of impact:** None

### **Looked after children**

**Nature of impact:** Positive

**Extent of impact:** Low

## **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:** The current cohort of young people in unregistered accommodation are all children in care and some of them are sometimes unaccompanied children seeking migration or young people with criminal convictions. Therefore it has been assessed that this decision will have a positive impact on those three groups. It has been assessed as a low number due to the small number of young people who will be impacted.

It is worth noting that overall the races of children that are in residential care is very mixed with the majority being White British. However, an increasing number of children seeking migration are entering residential care. 16.6% of Essex children and young people in care (n=191 children out of 1150) are from BAME backgrounds. Compared to the national average, there is an over representation of Dual Heritage (7.9% compared to 2.2%) and Black (4.5% compared to 3.4%) 0-17 year olds in care.

We will give consideration to looking at the ethnicity and diversity of the providers, potential language barriers and the translation services available. Children seeking migration may have suffered trauma so consideration will also be given to the availability of counselling and bereavement services. Additionally these placements will focus on 'needs specific care' and providers are required to be qualified in providing trauma informed care.

We are striving to create equity for children, and accessibility of provision, by being 'needs led'.

**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:** As children from all over the county can be referred in to these registered beds there is no greater impact on any specific geographical group.

**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 the young people who would be impacted by the decision are already children in care, the above family setups do not specifically apply. You could argue that moving a young person in to a registered setting may have a positive impact on their outcomes which may include improving relations with their family.

**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?:** Yes

**Where are staff coming from and how they are travelling? Using local staff to reduce travel needs, use sustainable modes of travel to get to sites. Where car journey are essential, can staff be incentivised to car share?:** The decision creates greater sufficiency of residential placements in Essex. This will result in more children being placed in Essex (rather than outside of Essex), thus reducing the amount of travelling Social Workers are required to do to visit the Young People. This has a positive impact on climate.

The other point of note is that whilst the carbon footprint of these blocked beds already exists (regardless of which LA buys the bed), through the process of blocking beds (rather than spot purchasing) we potentially have a little more influence over how the Provider manages their climate impact. We would also anticipate that providers may support us in reaching our 2050 net zero goal in whatever way they can.

Social value requirements, including climate TOMS, will be included in our procurement process.

Carbon Action Plans to be discussed with Sarah Howard.

**Are you specifying electric cars?:** No

**Are you specifying transition to low emission vehicles for heavier vehicles as these become available?:**

No

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

### **Nature of impact**

**Sustainable Transport / Travel:** Positive

### **Extent of impact**

**Sustainable Transport / Travel:** Low

**Rationale for assessment, including data used to assess the impact:** Reducing the amount of miles travelled by social workers is positive, but has been classed as a low positive impact due to it being difficult to estimate what reduction will actually occur. This is because we don't know where the blocked beds will be located, nor do we know where the young person lives who will ultimately occupy the bed.

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

## **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:** 14/08/2023

**Name of person completing the ECIA:** Ami Balbi

**Email address of person completing the ECIA:** ami.balbi@essex.gov.uk

**Your function:** Children, Families and Education

**Your service area:** Strategic Commissioning and Policy

**Your team:** Children and Families, Domestic Abuse, Adults Early Help and Carers

**Are you submitting this ECIA on behalf of another function, service area or team?:** No

**Email address of Head of Service:** clare.burrell@essex.gov.uk