

Equalities Comprehensive Impact Assessment v3 - Head of service review

Reference: ECIA544662706

Submitted: 14 September 2023 11:49 AM

Executive summary

Title of policy / decision: The Annual Reopening of the External Fostering Framework

Policy / decision type: Cabinet Member Action (CMA)

Overview of policy / decision: As of September 2023 477 CiC were placed in inhouse fostering placements representing 42.1% of all placements. There are 169 external fostering placements (IFAs), representing 14.9% of all placements.

In June 2022 (FP/308/02/22) Cabinet authorised the Council to undertake a single stage open procurement process based on a weighting of 70% quality (of which 10% assessed Social Value) and 30% price to procure an External Fostering Framework with the following 4 Lots:

Lot One - Standard Support Where the child or young person has a low to medium level of need with no ongoing challenging behaviours.

Lot Two – Enhanced Support Where the child or young person has a medium to high level of need e.g., history of placement breakdowns, mental health needs, mild to moderate disabilities

Lot Three - Intensive Support Where the child or young person has significant levels of need, e.g., complex health needs or disabilities, excluded from school, significant substance misuse.

Lot Four - Parent and Child Placements Where the placement is for an under 18 parent and their children including cases where there is a need for continuing assessment and on-going support

The Framework Agreement is for a maximum duration of 4 years, 2022-2026, and includes an annual refresh process which will enable providers on the framework to review their pricing and permit new providers to join the Framework increasing sufficiency.

There are 26 external foster care providers currently operating under this framework.

From the 21st of November 2022 until September 2023 77% of external fostering placements were made via the framework with the remaining 23% being spot purchased.

The framework is accessed and used by Southend City Council via an access agreement. This arrangement is mutually beneficial as it increases the overall volume of placements made via the framework making it more attractive to the market. In addition, feedback from the market has detailed that collaborations between Councils with aligned call off procedures reduces their administrative burden and allows them to respond to placement queries faster.

This paper relates to the first annual refresh. The CMA makes the following recommendations:

2.1 To re-open the External Fostering Framework to allow existing providers to review their pricing and permit new providers to join the framework.

2.2 To delegate authority to the Executive Director for Children and Families, and Education to award framework agreements to any new providers who join the External Fostering Framework following the re-opening of the framework.

2.3 To delegate authority to the Executive Director for Children and Families, and Education to authorise the fee uplifts for existing providers in accordance with the terms of the framework agreement.

What outcome(s) are you hoping to achieve?: The Children Act 1989 requires Essex County Council (ECC) to secure accommodation for children in their care, where possible and when appropriate within 20 miles of home and the local authority boundary. This is referred to as the councils as the 'sufficiency duty'. To ensure that the best value placement is found to meet the child's needs a framework is in place as this offers better value for money through transparent costs, greater competition, and clear expectations of how a child's needs will be met.

The Cabinet decision which agreed to launch the framework in 2022 (https://cmis.essex.gov.uk/essexcmis5/Decisions/tabid/78/ctl/ViewCMIS_DecisionDetails/mid/422/Id/9031/Default.a) had a recommendation to include an annual refresh process which will enable existing providers to review their pricing and permit new providers to join the Framework. This refresh is now due and this ECIA relates to the decision to reopen the Framework.

Outcomes:

- Children in care are settled and secure in their placements and feel part of a family.
- Children and young people in care and leaving care are happy, healthy and safe.
- Children in care and young people are proud to be who they are and feel a sense of belonging.
- Children in care and young people leaving care do well in school and/or training and have high aspirations for the future.
- Children in care and care leavers feel listened to, involved and understand what is happening to them

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

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

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

How will the impact of the policy / decision be monitored and evaluated?: The tender evaluation process will inform us as to whether the number of providers have increased/decreased following the reopening of the Framework.

There are regular monitoring meetings with the framework providers and KPI's will be requested on a 6 monthly basis. Within these KPIs providers will be asked about the impact that their service is having on the child or young person and how they are gathering the child or young person's views. Regular monitoring of each placement will be conducted by the appropriate social worker.

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: 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: Positive

Extent of impact: Low

Disability - sensory impairment

Nature of impact: Positive

Extent of impact: Low

Sex

Nature of impact: Positive

Extent of impact: Low

Gender reassignment

Nature of impact: Positive

Extent of impact: Low

Marriage / civil partnership

Nature of impact: None

Pregnancy / maternity

Nature of impact: Positive

Extent of impact: Low

Race

Nature of impact: Positive

Extent of impact: Low

Religion / belief

Nature of impact: Positive

Extent of impact: Low

Sexual orientation

Nature of impact: None

Rationale for assessment, including data used to assess the impact: In 2022 of the 305 children and young people from ethnic minority groups in care, 44 were in independent fostering agency (IFA) placements. The only group with a higher proportion in IFA than in other placements are Pakistani and White and Asian, but with only 1 and 7 respectively in those groups. The proportion of minority groups in IFA placements is comparative with all placements particularly when separated migrated children are excluded from all children in care numbers. There are lower proportions of children with disabilities placed in IFA's compared to in-house. As placements are always sought first with in-house foster carers this indicates that our in-house service is able to meet the need of many children with disabilities, leaving a smaller proportion requiring IFA placements.

September 2023 data is below:

Ethnicity	CIC* %	CIC In IFA %	IFA %
Asian / Asian British	15	1.3%	2 1.5%
Black / Black British / African / Caribbean	73	6.4%	4 2.9%
Mixed / Multiple ethnic groups	116	10.2%	18 13.1%
Other Ethnic Groups	100	8.8%	6 4.4%
White	834	73.1%	107 78.1%
Unavailable/Refused	3	0.3%	
Grand Total	1141	100%	137 100%

Placements are inclusive regardless of race, sexual orientation and religion. Providers are expected to provide reasonable adjustments to children who have cultural needs and this will form part of the care plan. There is some qualitative intelligence from social care colleagues that not all placement providers have the right knowledge and expertise to meet all children's ethnic and cultural requirements, therefore the service specification was updated in 2022 to be more explicit about this, for example in the care of afro hair.

Children that have demonstrated complex mental health needs will be placed in the appropriate Lot where additional support is required as part of a therapeutic approach.

Before the framework commenced we collected data on the ethnic make-up of children in care, but we did not collect data on the ethnicity of IFA foster carers, therefore we were unable to understand the impact of cultural matching or lack of, on children in IFA placements. Data on the ethnic make-up of IFA foster carers became a reporting requirement in the performance framework for this contract in the hope we can better understand the availability of ethnically diverse foster carers and assess our ability to match placements on a cultural or ethnic basis and also to understand the impact of this. However, whilst the ethnicity of Foster Carers is on the Foster Carer Dashboard, because of the way IFA's are recorded, it can't easily be cross referenced, as there isn't just a Y/N drop down for IFA. So whilst a report could probably be written, it's not currently available. Power BI is being replaced with Azure in October, this gives us the opportunity to request this report.

Most other groups with protected characteristics will see some positive impact from this decision but have be categorised as 'low' as it is not expected to be a bigger impact on those with protected characteristics than it is for the rest of the CiC cohort.

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

How could you strengthen any positive impact(s)?: Easier access to ethnicity data to enhance matching, as detailed above.

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: Positive

Extent of impact: Low

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: Positive

Extent of impact: Low

Residents of Harlow

Nature of impact: Positive

Extent of impact: Low

Residents of Jaywick and Clacton

Nature of impact: Positive

Extent of impact: Low

Residents of Harwich

Nature of impact: Positive

Extent of impact: Low

Residents of Basildon (Town) housing estates

Nature of impact: Positive

Extent of impact: Low

Residents of Canvey Island

Nature of impact: Positive

Extent of impact: Low

Residents of Colchester (Town) - Housing Estates

Nature of impact: Positive

Extent of impact: Low

Residents of Rural North of the Braintree District

Nature of impact: Positive

Extent of impact: Low

Rationale for assessment, including data used to assess the impact: Fostering is a vocation and therefore offers employment opportunities to the right people in potentially all parts of Essex.

We require placements in the Essex area in all localities including families in all the levelling up priority areas, therefore this tender provides the opportunity for IFAs to recruit foster carers in these areas.

Each Lot specifies what level of engagement with education the child has and foster carers will be required to support to maintain education, training and employment and linking with virtual schools.

The impact has been recorded as low as only a small number of young people and foster carers will be impacted by this decision.

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

How could you strengthen any positive impact(s)?: Further investigation in to whether demand is greater in levelling up areas to determine need.

Equalities - Inclusion health groups and other priority groups

Refugees / asylum seekers

Nature of impact: Positive

Extent of impact: Medium

Homeless / rough sleepers

Nature of impact: None

People who experience drug and alcohol dependence

Nature of impact: Positive

Extent of impact: Low

Offenders / ex-offenders

Nature of impact: Positive

Extent of impact: Medium

Victims of modern slavery

Nature of impact: Positive

Extent of impact: Low

Carers

Nature of impact: None

Looked after children / care leavers

Nature of impact: Positive

Extent of impact: Medium

The armed forces community (serving personnel and their families, veterans, reservists and cadets)

Nature of impact: None

People who are unemployed / economically inactive

Nature of impact: Positive

Extent of impact: Low

People on low income

Nature of impact: Positive

Extent of impact: Low

Sex workers

Nature of impact: None

Ethnic minorities

Nature of impact: Positive

Extent of impact: Low

Gypsy, Roma, and Traveller communities

Nature of impact: Positive

Extent of impact: Low

People with multiple complex needs or multi-morbidities

Nature of impact: Positive

Extent of impact: Low

Rationale for assessment, including data used to assess the impact: Separated migrated children are automatically taken in to care so placements fulfil these needs.

There will be an Intensive Placements Lot in the service and we specify that foster carers will need to have the skills to support children who are offenders/ex-offenders with the specific support relating to these issues.

Becoming a foster carer can be a route into employment for people who have been economically inactive, such as those whose own kids have grown older.

Young people from ethnic minorities may benefit from the reopening of the framework as it presents an opportunity for more ethnically diverse foster carers to be recruited.

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

How could you strengthen any positive impact(s)?: We could consider including questions in tender where providers would be required to demonstrate how they would support minority groups.

Equalities - Geographical Groups

People living in areas of high deprivation

Nature of impact: Positive

Extent of impact: Medium

People living in rural or isolated areas

Nature of impact: Positive

Extent of impact: Medium

People living in coastal areas

Nature of impact: Positive

Extent of impact: Low

People living in urban areas

Nature of impact: Positive

Extent of impact: Low

Rationale for assessment, including data used to assess the impact: Foster carers are needed pan Essex and the reopening of the framework supports employment in rural locations without needing to be near specific areas with more employment opportunities. It also supports employment in areas of deprivation where there may be less employment opportunities available.

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

How could you strengthen any positive impact(s)?: ECC could start a conversation with IFAs to understand recruitment practices and whether particular areas are targeted at all.

Families

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

Nature of impact: Positive

Extent of impact: Medium

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: Positive

Extent of impact: Medium

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

Nature of impact: Positive

Extent of impact: Medium

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: Positive

Extent of impact: Medium

Rationale for assessment, including data used to assess the impact: The ultimate goal for fostering is to support the family to reunify and support family formation. This contract is about the provision of suitable and sufficient fostering placements therefore supports key transitions positively, including reunification for the child's birth family but supports foster carers to fulfil parenting roles when needed.

Fostering allows an option for children to be placed safely in a family-based setting away from their birth family.

Sufficient IFA providers support ECC's sufficiency duty and enables the Council to place children within 20 miles of their birth family where appropriate, which helps support family networks, continuity of education and potential re-unification work with the birth family.

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

How could you strengthen any positive impact(s)?: Additional work with kinship carers is planned. More kinship carers would reduce the pressure on IFA placements.

Crime & Disorder

Crime and disorder

Nature of impact: Positive

Extent of impact: Low

The misuse of drugs, alcohol and other substances

Nature of impact: Positive

Extent of impact: Low

Re-offending

Nature of impact: Positive

Extent of impact: Low

Serious violence

Nature of impact: Positive

Extent of impact: Low

Rationale for assessment, including data used to assess the impact:

More than half (52%) of children in care had a criminal conviction by age 24 compared to 13% of children who had not been in care (Children's Commissioner).

There will be an Intensive Placements Lot in the service and we specify that foster carers will need to have the skills to support children who are offenders/ex-offenders with the specific support relating to these issues. Foster carers are also trained to support young people with a range of other challenges which include those listed in this section.

Reopening the framework creates the potential for additional IFA availability, potentially increasing the number of good quality placements available. Stable placements create a safe space for young people to receive good quality, long term support with challenges which may leave them otherwise more predisposed to involvement with crime and disorder.

(If negative impact assessed) What actions will be undertaken to mitigate negative impacts, including timescales:

What actions have already been taken to mitigate any negative impacts?:

N/A

How could you strengthen any positive impact(s)?:

The Children's Commissioner reported in Dec 2022 - "It is my mission to ensure that children in care should have access to stable and loving relationships throughout their life, even if they are in custody. As a part of the Family Review, I am using my statutory powers to explore how different institutions are supporting children to maintain relationships across the secure estate. This includes important relationships with foster and kinship carers. Where it is not possible, or not in the child's best interest to maintain contact with their family, I will explore how secure settings can replicate the protective effect of family life and nurture the children in their care."

ECC will continue to monitor the guidance issued by the Children's Commissioner and seek to apply it to our practices.

Climate

Does your decision / policy involve development or re-development of buildings or infrastructure?: No

Does your decision / policy take place in, or make use of, existing buildings or infrastructure?: No

Does your decision / policy involve elements connected to transport, travel or vehicles? This includes travel needs / requirements of both service users and staff (including staff you're planning to recruit): No

Are you undertaking a procurement exercise?: Yes

Please confirm for purchase over £100k that you have a carbon reduction plan as part of your procurement: N/A

Please list which climate TOMS (Themes, outcomes & measures) you have included in your procurement and the weighting these have been given: Yet to be determined. Information to follow.

Does your decision / policy involve the purchase of goods or materials?: No

Will any waste be generated by this decision? This includes waste from construction, waste generated by service users / staff, and waste generated by replacing existing products / materials with new: No

Nature of impact

Built Environment / Energy: None

Sustainable Transport / Travel: None

Waste: None

Rationale for assessment, including data used to assess the impact: No impact is expected on the climate as foster carers care for CiC in their existing homes. If the young person was not with the foster carer they would be elsewhere in Essex with the same (or very similar) carbon footprint.

They may be a small positive impact if more Essex based IFAs are added to the framework as this creates the opportunity for children out of county to move back in, reducing travel distances for social workers, family members, the young person etc.

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: 12/09/2023

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