

Equality Analysis (EIA) Form

A) Description

Name of service, function, policy (or other) being assessed

Flexible Contracting Arrangement for the Provision of Placements in Residential Children's Homes

Directorate or organisation responsible (and service, if it is a policy)

Children and Families

Date of assessment

26/10/2018

Names and job titles of people carrying out the assessment

Sandra Griffiths - Commissioning Officer
Gill Cox - head of Looked After Children

Accountable person

Sandra Griffiths - Commissioning Officer

What are the aims or main purpose of the service, function or policy? What does it provide and how does it provide it?

Councils have a duty to make arrangements for the accommodation and care of children for whom it has a responsibility, pursuant to Sections 20 - 23 and 31 of the Children Act 1989. Herefordshire has developed a strategy to meet this sufficiency duty. The strategy includes a range of approaches to ensure that there is sufficient accommodation available for looked after children of all ages and levels of need. One of these approaches was the procurement of a framework agreement for the provision of Residential care placements by independent children's homes organisations.

The framework expires in December 2018 with no option to renew. Birmingham Children's Trust has led on developing a flexible contracting arrangement based on the principles of a Dynamic Purchasing System. This arrangement will help to ensure that the authority has access to good value and quality externally provided residential children's homes placements when it is not appropriate to place a child in foster care or other alternative setting. The search function will identify options to ensure children and young people are placed in or close to Herefordshire, wherever possible.

The Council will have no financial commitment as placements will be purchased on a needs only basis at pre-agreed prices and to standard terms and conditions of service and quality. However we do spend in the region of £4.2m annually on residential placements.

Location or any other relevant information

Where it is in the best interests of the child, placements will be sought within Herefordshire to maintain links with their local communities, schools and families. Preferred providers may also be able to offer placements outside of Herefordshire.

The flexible contractual arrangement has been procured jointly by the 14 West Midlands

local authorities. Each Council will contract separately with each of the preferred providers.

List any key policies or procedures to be reviewed as part of this assessment.

The new agreement will have some technical structural differences. To comply with new procurement arrangements, the web-based portal; an on-line communication hub through which referrals are sent to providers, will be updated prior to the FCA going live. The agency placement search and approval process is being reviewed in line with these updates.

Who is intended to benefit from the service, function or policy?

Looked after children, for whom the Council has a corporate parenting responsibility. As the Council does not operate any in-house residential children's home service, all of Herefordshire's residential placements are made with independent residential providers. This means that there are normally 20-30 children placed in residential settings (includes complex needs placements) at any one time.

Whilst Herefordshire Council's aims to reduce the number of residential placements, it will always be likely that residential placements will be required for children with the most complex needs. . This agreement will support the Council's sufficiency duty to be able to offer placement choice close to home.

Who are the stakeholders? What is their interest?

Social Care Teams, the children and their families, residential and foster care providers.

- Children who are looked after are interested in the availability and quality of the placements they are provided with.
- Social care teams are interested in sourcing quality best value provision which is able to meet the individual child's needs and achieve best outcomes.
- Independent residential children's home providers are interested in the Council's quality and cost expectations, procurement processes, and placement decision processes
- Foster care providers are interested as they are involved in supporting children and young people to step down from residential to family environment based provision.

B) Partnerships and Procurement

If you contract out services or work in partnership with other organisations, Herefordshire Council remains responsible for ensuring that the quality of provision/ delivery meets the requirements of the Equality Act 2010, ie.

- Eliminates unlawful discrimination, harassment and victimisation
- Advances equality of opportunity between different groups
- Fosters good relations between different groups

What information do you give to the partner/contractor in order to ensure that they meet the requirements of the Act? What information do you monitor from the partner/contractor in order to ensure that they meet the requirements of the Act?

The procurement was undertaken by Birmingham Children's Trust (CT) (acting as lead procurement authority) on behalf of the 14 West Midland Authorities. Birmingham CT procured the service in compliance with European procurement legislation and each authority has worked in partnership to undertake the tender development and evaluation of submitted bids.

The arrangements terms and conditions (contract) will reflect the provider's responsibility to comply with the Equality Act 2010 or subsequent revisions and all other relevant anti-discriminatory legislation. Provider's will also operate an equal opportunities policy for the duration of the arrangement (3 years with option to extend for up to a further 3 years) and

ensure that their recruitment, employment and equal opportunities policies comply with all statutory obligations.

Placement options will be sourced based on the provider's ability to meet the child's needs; as assessed by social care. All options will be considered, with the preferred option being identified based on a matching exercise undertaken by social care to decide which placement offer will best meet the child's assessed needs. Any specific equality issues are highlighted in the needs assessment and reflected in an individual placement agreement (which forms part of the contract) that is signed by the provider and Council.

Are there any concerns at this stage that indicate the possibility of inequalities/negative impacts? For example: complaints, comments, research, and outcomes of a scrutiny review. Please describe:

None. This arrangement will support to ensure children and young people requiring residential care, are placed in Herefordshire or surrounding counties and therefore as close to their home, wherever possible.

C) Information

What information (monitoring or consultation data) have you got and what is it telling you?

Herefordshire's looked after population has grown in size and complexity, meaning that there are increasing demands for placements. Herefordshire Council has implemented plans to reduce the number of residential placements through better care planning, and specialist intensive placement support to promote placement stability and step-down for residential care.

However, it will always be likely that residential placements will be required for children with the most complex needs. This arrangement will support to meet the sufficiency duty and place children and young people closer to home, wherever possible.

We know there are 16 children's homes in Herefordshire registered to support emotional and/or behavioural difficulties, with capacity to provide 41 placements. However as of September 2018, there were no vacancies and all available places were taken by other authorities.

There are also 3 children's homes in Herefordshire, for complex needs registered to provide 56 places; of which one provider is registered for 30 places. As of September 2018, Herefordshire had 3 young people placed with these providers.

Subject to satisfactory completion of final procurement/supplier checks, successful providers will be invited to join the FCA. The intention is to award contracts to 81 providers, who achieved the required evaluation criteria and standards. These 81 providers, between them provide access to 530 homes and 2,290 beds. Of which 73 homes and 259 beds are in Herefordshire and neighbouring counties.

D) Assessment/Analysis

Describe your key findings (eg. negative, positive or neutral impacts - actual or potential). Also your assessment of risk.

Strand/community	Impact
Children and Young People	Positive: Children can be placed closer to their home and school and maintain contact with their families and local community.

Children and Young People	<p>Positive: We will improve relationships with local providers to ensure we acquire regularly updates on current and planned vacancies, so local places could be considered for our young people, where applicable, when placements become available.</p> <p>To increase local capacity in the most cost effective and effective way within a short time scale, a procurement exercise will be undertaken to initially secure 3 local residential beds via a block contract through the regional flexible contracting arrangement.</p>
Children and Young People	<p>Potential: There is a risk that some children will have very specific needs that can't be met via the arrangement. In such cases, the Local Authority will be able to spot-purchase outside of the agreement in order to ensure that the best placement options can be found to meet the child's needs</p>

E) Consultation

Did you carry out any consultation? Yes No

Who was consulted?

- Children's and families social care senior managers have been consulted on options to procure independent residential and complex needs settings and have informed the wider development of the authority's sufficiency strategy
- Independent Children's Homes Association (ICHA), an association representing members in the independent residential child care sector, has been consulted on and involved in, the development of the Flexible Contracting Arrangement.
- Independent residential children's home providers have been involved in pre-tender supplier engagement events.

Describe other research, studies or information used to assist with the assessment and your key findings.

- Local, regional and national benchmarking exercises on placement services have helped to inform the review and development of Herefordshire's sufficiency strategy.

Do you use diversity monitoring categories? Yes No

(if No you should use this as an action as we are required by law to monitor diversity categories)

If yes, which categories?

- Age
- Disability
- Gender Reassignment
- Marriage & Civil Partnership
- Pregnancy & Maternity
- Race
- Religion & Belief
- Sex
- Sexual Orientation

What do you do with the diversity monitoring data you gather? Is this information published? And if so, where?

The data collected pertains exclusively to children and young people and is used to tailor the support and care provided for them. The aggregate data is used in the performance management of the Council's Looked After Children Service, and will be used to review

progress against the sufficiency strategy targets.

F) Conclusions

	Action/objective/target OR justification	Resources required	Timescale	I/R/S/J
a)	Review and update the placement search process for residential placements to ensure compliancy with the new arrangement.	Staffing in commissioning and social care	15 December 2018	S
b)	Robust monitoring of referrals and placements to ensure arrangement is meeting sufficiency needs.	Staffing	6 monthly	S

(I) *Taking immediate effect.*

(R) *Recommended to Council/Directors through a Committee or other Report*.*

(S) *Added to the Service Plan.*

(J) *To be brought to the attention of the Equality Manager.*

*Summarise your findings in the report. Make the full assessment available for further information.

NB: Make sure your final document is suitable for publishing in the public domain.