

Section 4

Equality Analysis Toolkit

Lancashire CLA Sufficiency Strategy 2017-
2020

For Decision Making Items

September 2017

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What is the Purpose of the Equality Decision-Making Analysis?

The Analysis is designed to be used where a decision is being made at Cabinet Member or Overview and Scrutiny level or if a decision is being made primarily for budget reasons. The Analysis should be referred to on the decision making template (e.g. E6 form).

When fully followed this process will assist in ensuring that the decision-makers meet the requirement of section 149 of the Equality Act 2010 to have due regard to the need: to eliminate discrimination, harassment, victimisation or other unlawful conduct under the Act; to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard means analysing, at each step of formulating, deciding upon and implementing policy, what the effect of that policy is or may be upon groups who share these protected characteristics defined by the Equality Act. The protected characteristics are: age, disability, gender reassignment, race, sex, religion or belief, sexual orientation or pregnancy and maternity – and in some circumstances marriage and civil partnership status.

It is important to bear in mind that "due regard" means the level of scrutiny and evaluation that is reasonable and proportionate in the particular context. That means that different proposals, and different stages of policy development, may require more or less intense analysis. Discretion and common sense are required in the use of this tool.

It is also important to remember that what the law requires is that the duty is fulfilled in substance – not that a particular form is completed in a particular way. It is important to use common sense and to pay attention to the context in using and adapting these tools.

This process should be completed with reference to the most recent, updated version of the Equality Analysis Step by Step Guidance (to be distributed) or EHRC guidance at

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/public-sector-equality-duty>

This toolkit is designed to ensure that the section 149 analysis is properly carried out, and that there is a clear record to this effect. The Analysis should be completed in a timely, thorough way and should inform the whole of the decision-making process. It must be considered by the person making the final decision and must be made available with other documents relating to the decision.

The documents should also be retained following any decision as they may be requested as part of enquiries from the Equality and Human Rights Commission or Freedom of Information requests.

Specific advice on completing the Equality Analysis and advice, support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting

Jeanette Binns (Equality and Cohesion Manager) at

Jeanette.binns@lancashire.gov.uk

Name/Nature of the Decision

Lancashire's Children Looked After (CLA) Sufficiency Strategy 2017-2020.

What in summary is the proposal being considered?

The County Council's vision is that every child born today in Lancashire, and every citizen, will grow up and live in a community and an environment that enables them to live healthier for longer, have a job when they leave education and achieve their full potential throughout life. We want to improve outcomes for all children and young people in Lancashire but we know that there are many groups of children who are particularly vulnerable and will find it more difficult to secure these positive outcomes, including children in care or on the edge of care.

The Sufficiency Strategy proposes that:

Prevention – An overall Council priority, working with our partners, is to reduce the numbers of our children in care, from a rate of 76.7 to a rate of 66.7. There is an increasing demand for services and in order to address this we need to provide the means for families to become more resilient.

We will do this by embedding a risk sensible approach across the Children's Social Care workforce; providing an effective prevention, early help and outreach offer to better support families to stay together; ensuring that all new Section 20 Agreements (where there are no child protection concerns) are only accessed after families have accessed the above offer; rigorously enforcing our Section 20 Charging Policy.

Consideration will be given to developing a Lancashire PAUSE model, building on the learning from the DfE Innovation Programme. PAUSE is designed to address the problems of women who have experienced, or are at risk of, repeated pregnancies that result in children needing to be removed from their care.

Placement Finding and Effective Market Engagement – This has been enhanced by the establishment of the Access to Resources (ART) Team which has brought together existing placement finding, contract monitoring and commissioning resources resulting in significantly improved placement finding processes and intelligence on demand and gaps in provision. We intend to build on this success by expanding ART to further enhance relationships with providers, enable effective contract management and work in collaboration with providers to shape the market to better meet need. To improve the quality of referrals received we will deliver training to social workers on placement finding and permanence. We will also work with providers to develop a process for identifying and better supporting vulnerable placements to prevent unnecessary placement breakdown.

Placements with Parents – We will halve the number of placements with parents and return to them to the levels they were at in March 2014 (170).

Foster Care – The overarching priority for the in-house Fostering Service is to increase the number and range of in-house fostering placements provided and increase the proportion of in-house to agency placements. This will be addressed by:

- Implementing a more targeted marketing strategy to address gaps in provision, including larger sibling groups, more complex children and young people and parent and child placements;
- Maximising capacity of existing foster carers by working with fostering families to encourage a wider range of placements;
- Maximising the use of Lancashire's Interventions for Families Team (LIFT), including effective promotion with Children's Social Care, to provide support to existing carers, prevent adoption breakdowns and support reunification.

We intend to develop new commissioning arrangements to facilitate collaboration with a small number of Independent Fostering Agencies to develop effective complex 'step down into fostering' provision and consider the development of in-house 'step down' provision, with a target of 10 'step down into fostering' placements per annum.

We intend to increase the proportion of our fostering placements (excluding placements with parents) to be in line with the North West average (80.5%).

Residential Care – The overarching priority is to reduce the numbers of young people in residential provision and reduce the overall placements budget. We will reduce the number of residential placements to 136 by March 2019 (from 180 in July 2018). We will do this by:

- Ensuring effective use is made of our in-house children's homes and increasing placements from 40 to 54;
- Scrutinising the appropriateness of residential placements;
- Developing effective step down provision to support appropriate young people to move into foster care and semi-independent provision.

Sourcing appropriate residential placements for our most complex children in care will continue to be a key priority. We will do this by:

- Developing a 1-2 bed in-house children's home alongside the existing 2 x 3 bed homes;
- Development of an in-house crisis unit to de-escalate/prevent placement

breakdowns and support the sourcing of the right placement to best meet need;

- Exploring block purchasing complex beds in collaboration with local authorities and/ or consider the further development of internal complex beds;

- Auditing cases of young people in secure welfare provision in order to identify ways in which this could have been prevented or stepped down more appropriately.

16+ Leaving Care – We will prioritise the usage of our block purchased supported accommodation provision for 16+ looked after young people, 16-17 year old homeless young people and 18-21 year olds known to Children's Social Care. We will do this by:

- Varying existing block contract arrangements to prioritise young people to whom LCC has a statutory responsibility, with targets of 45% (165 beds) for 16-17 year olds and 23% (83 beds) for 18-21 year olds known to Children's Social Care;

- Improving placement finding processes through the extended Access to Resources (ART) Team and the updated Joint County Council and District Housing Protocol;

- Working collaboratively with providers to improve outcomes for young people, including enabling young people to become independent and to successfully move on;

- Monitoring the usage of block contract accommodation from October 2017, with a view to informing future commissioning intentions when the current contracts expire in 2019;

- Reviewing the need for and availability of emergency provision.

We will work with the leaving care market to increase the range of local accommodation.

Is the decision likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected? If so you will need to consider whether there are equality related issues associated with the locations selected – e.g. greater percentage of BME residents in a particular area where a closure is proposed as opposed to an area where a facility is remaining open.

The Sufficiency Strategy will be applied across Lancashire in a broadly similar

way.

Could the decision have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity
- Race/ethnicity/nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

In considering this question you should identify and record any particular impact on people in a sub-group of any of the above – e.g. people with a particular disability or from a particular religious or ethnic group.

It is particularly important to consider whether any decision is likely to impact adversely on any group of people sharing protected characteristics to a disproportionate extent. Any such disproportionate impact will need to be objectively justified.

It is not anticipated that the Sufficiency Strategy will adversely impact on any groups with protected characteristics but it will affect some protected characteristics groups more than others:

Age – the Sufficiency Strategy primarily impacts on children and young people aged 0-17. As at 31 July 2017 6% of children looked after were aged under 1; 17% were aged 1-4; 29% were aged 5-10; 31% were aged 11-15 years and 18% were aged 16 and over. 62% of children looked after are 10 years and over compared to 56% in 2012, so there has been a steady increase in this age group amongst children looked after. It should also be noted that 66% of "hard to find residential placements" were for young people aged 15 and 16, which is an over-representation of this age group amongst the "hard to find" referrals during the

February to July 2017 period when ART had been established.

Gender – the gender distribution of children looked after has remained fairly consistent over the last 5 years with 53-55% of children looked after being male. The ONS population of 0-17 year olds in Lancashire in 2016 found 48.6% were female and 51.4% were male, so males may be slightly disproportionately higher represented amongst children looked after. Males are also over-represented amongst "hard to find residential placements" with 63% of this group being males.

Ethnicity – at July 2017 86.5% of children looked after were from a white background, with 13.5% being BME. This is broadly in line with the ethnic backgrounds of 0-17 year olds in Lancashire in the 2011 Census of 13.07%. However, in March 2012, 90% of children looked after were white which suggests that they were slightly over-represented in the CLA population at that time.

Disability – information about disability for 0-17 year olds generally and within the Children looked after population is not easily available at this time. However, there are indications that disabled children and young people may be less represented in the CLA population than amongst the general 0-17 population. However, the Sufficiency Strategy does include specific references to children with mental health conditions (20% of "hard to find" residential placements referenced children or young people with mental health issues) and those with complex needs which may include those who would meet the Equality Act 2010's definition of disability.

Pregnancy and Maternity – provision for children looked after within Lancashire includes the use of family centres or mother and baby units – at 31 July 2017 11 placements of this type were in use. The Strategy also highlights within the Foster Care section that there is currently a lack of capacity within the in-house fostering service to provide suitable parent and child placements. 11% of fostering referrals were for mother and baby foster placements and 11% of these were identified as "hard to find".

It is not anticipated that the Sufficiency Strategy will adversely affect employees of Lancashire County Council.

If you have answered "Yes" to this question in relation to any of the above characteristics, – please go to Question 1.

Yes

If you have answered "No" in relation to all the protected characteristics, please briefly document your reasons below and attach this to the

decision-making papers. (It goes without saying that if the lack of impact is obvious, it need only be very briefly noted.)

Question 1 – Background Evidence

What information do you have about the different groups of people who may be affected by this decision – e.g. employees or service users (you could use monitoring data, survey data, etc to compile this). As indicated above, the relevant protected characteristics are:

- Age
- Disability including Deaf people
- Gender reassignment/gender identity
- Pregnancy and maternity
- Race/Ethnicity/Nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership status (in respect of which the s. 149 requires only that due regard be paid to the need to eliminate discrimination, harassment or victimisation or other conduct which is prohibited by the Act).

In considering this question you should again consider whether the decision under consideration could impact upon specific sub-groups e.g. people of a specific religion or people with a particular disability. You should also consider how the decision is likely to affect those who share two or more of the protected characteristics – for example, older women, disabled, elderly people, and so on.

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representation of this age group amongst the "hard to find" referrals during the February to July period when ART had been established.

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It is not anticipated that the Sufficiency Strategy will adversely affect employees of Lancashire County Council.

Question 2 – Engagement/Consultation

How have you tried to involve people/groups that are potentially affected by your decision? Please describe what engagement has taken place, with whom and when.

(Please ensure that you retain evidence of the consultation in case of any further enquiries. This includes the results of consultation or data gathering at any stage of the process)

Engagement and views have been sought from:

Children and Young People - CYP across Lancashire have been involved in a number of participation opportunities in relation to fostering and residential services. The information received over a number of years has been rich and diverse and when analysed can be split into 4 key areas; communication; relationships; participation and emotional health and wellbeing. In summary, CYP have told us that:

Communication...

- Information should be tailored to CYP wants and likes, in other words, communication tailored to the audience, including guides, welcome packs, hopes and wishes boxes, confidentiality policies, etc.
- CYP are listened to through regular feedback on issues which have been raised. Reiterating that identified changes have been made due to what has been said to the carers/ agency.

Relationships...

- Placements are close to home/ friends/ college/ school/ local amenities.
- CYP know who their key worker and / or social worker is.
- Carers/ Staff receive suitable and specific training that supports individual CYP needs.
- Matching processes are in place that promote stability and avoid placement disruption.
- Placements support a sense of local community.
- Placements support contact with birth family where appropriate
- There is high levels of staff retention in order to support CYP relationship building.

Participation...

- CYP are engaged in the process of their care and know how providers are going to work with them and in what way(s).
- Services adopt strategies that ensure the voice of the child is heard, such as

including and involving young people on interview panels and training.

- CYP are involved in the matching process.
- Providers and carers encourage CYP to engage with community groups.
- Carers/ Staff and agencies engage with LINX (Lancashire's Children in Care Council).
- Participation is embedded into everything and that policies are adhered to stringently.

Emotional Health and Wellbeing...

- Each child or young person is placed based on their own emotional needs.
- Carers/ Staff are fair, supportive, friendly and caring and make young people feel valued.
- Additional support is available to support emotional health and wellbeing.
- Age appropriate provision for independence is provided which helps CYP to make positive decisions about their own actions and future.

Provider Views – colleagues from 19 fostering and 24 residential provider organisations attended provider events in June 2017 to explore how LCC and providers could work better together to address gaps in provision and achieve the best possible outcomes for our children in care.

Providers were asked to give their views on two key challenges

- (1) How do we address gaps in provision? and
- (2) How do we better support placements to succeed?

Barriers and actions relating to improved placement finding, social care practice, staffing and OFSTED were identified which included:

- Some referrals continue to be of poor quality;
- Further information is required on wrap around support and strategies to address Missing From Home and Child Sexual Exploitation;
- High levels of emergency referrals;
- More provider input required into referrals and care planning;
- More effective use of notice periods required to ensure sufficient time to find the right placement;
- Better communication required with social workers prior to and on receiving offers;

- Feedback required for providers on offers received;
- Better care planning and communication on plans for permanence;
- There is an under supply of smaller homes and demand for short term beds is huge;
- Collaborative work is required to develop effective step down into fostering provision;
- Regular communication of what Lancashire needs and more collaboration to enable more effective planning to address gaps in provision;
- Better mechanisms and greater joint working required to identify and support vulnerable placements;
- Need to better plan for young people coming out of secure provision;
- Better relationships are required with health, particularly in relation to mental health services;
- OFSTED issues re matching/meeting need/risk of taking children and young people with risk of missing from home, child sexual exploitation, not in education preventing providers offering placements for most complex children and young people.

Feedback from providers at the events was overwhelmingly positive. Comments received included: "honesty of presentations and discussions", "effectiveness of the solution focussed discussion groups" and "commitment to working collaboratively together to best meet need".

Question 3 – Analysing Impact

Could your proposal potentially disadvantage particular groups sharing any of the protected characteristics and if so which groups and in what way?

It is particularly important in considering this question to get to grips with the actual practical impact on those affected. The decision-makers need to know in clear and specific terms what the impact may be and how serious, or perhaps minor, it may be – will people need to walk a few metres further to catch a bus, or to attend school? Will they be cut off altogether from vital services? The answers to such questions must be

fully and frankly documented, for better or for worse, so that they can be properly evaluated when the decision is made.

Could your proposal potentially impact on individuals sharing the protected characteristics in any of the following ways:

- Could it discriminate unlawfully against individuals sharing any of the protected characteristics, whether directly or indirectly; if so, it must be amended. Bear in mind that this may involve taking steps to meet the specific needs of disabled people arising from their disabilities
- Could it advance equality of opportunity for those who share a particular protected characteristic? If not could it be developed or modified in order to do so?
- Does it encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which participation by such persons is disproportionately low? If not could it be developed or modified in order to do so?
- Will the proposal contribute to fostering good relations between those who share a relevant protected characteristic and those who do not, for example by tackling prejudice and promoting understanding? If not could it be developed or modified in order to do so? Please identify any findings and how they might be addressed.

The Lancashire CLA Sufficiency Strategy is not expected to disadvantage any protected characteristics groups and its intention is to advance equality of opportunity and participation in public life for those children and young people who are looked after in Lancashire. Amongst children looked after are both male and female children and young people – though slightly more males; those from a range of ethnicities, those who are pregnant or have babies/young children, those with disabilities and whilst information is not collected in terms of sexual orientation, religion or belief or gender identity it is inevitable that these protected characteristics are also represented within the CLA population.

The County Council's vision that "every child born today in Lancashire, and every citizen, will grow up and live in a community and in an environment that enables them to live healthier for longer, have a job when they leave education and achieve their full potential throughout life" encapsulates the Equality Act's general

aims of non-discrimination and advancing equality of opportunity.

One aim of the Sufficiency Strategy is to prevent more children and young people coming into care by providing an effective prevention, early help and outreach offer to better support families to stay together. This would be expected to benefit both the children/young people and families involved where it is achieved.

The PAUSE model included as part of the Sufficiency Strategy is designed to address the problems of women who have experienced, or are at risk of experiencing, repeated pregnancies that result in children needing to be removed from their care. The intense programme of therapeutic, practical and behavioural support aims to break this cycle and give women the opportunity to reflect, tackle destructive patterns of behaviour and to develop new skills and responses to help them create a more positive future. Women who are selected for the programme are required to take a long-acting, reversible contraception during the intervention, thereby creating a space to PAUSE, reflect, learn and aspire. PAUSE could be viewed as advancing opportunity for its participants.

The Fostering Service has for many years sought to recruit potential foster carers from diverse backgrounds including those of various ethnicities, religions or beliefs, heterosexual or same sex partners, single people, people from a range of ages and people with disabilities. Examples of many of these have been included in promotional materials and presentations have been made at a range of community events/venues.

As part of its responsibilities under the Prevent Duty, the County Council have provided awareness training and briefings for staff and carers relating to safeguarding and looking for signs of extremism or radicalisation in children and young people. It is hoped that this will assist staff and carers to respond appropriately if necessary. Effective safeguarding and prevention of children or young people developing extremist views will contribute to fostering good relations between communities if incidents which could heighten tensions can be avoided

Children who have been victims of sexual exploitation are included amongst children looked after. Tensions between communities have been raised in various parts of the country when cases have been reported of children being sexually exploited by people from different ethnic backgrounds and an effective Sufficiency Strategy which contributes to reducing the potential for such situations to arise, would be beneficial to community cohesion/fostering good relations between communities.

Question 4 –Combined/Cumulative Effect

Could the effects of your decision combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

For example - if the proposal is to impose charges for adult social care, its impact on disabled people might be increased by other decisions within the County Council (e.g. increases in the fares charged for Community Transport and reductions in respite care) and national proposals (e.g. the availability of some benefits) . Whilst LCC cannot control some of these decisions, they could increase the adverse effect of the proposal. The LCC has a legal duty to consider this aspect, and to evaluate the decision, including mitigation, accordingly.

If Yes – please identify these.

The Sufficiency Strategy should be a positive policy/strategy. It can be seen as combining with other County Council Strategies including the Residential Care Strategy and Fostering Strategy.

It is possible that some changes in national benefits rates or eligibility criteria may impact upon this Sufficiency Strategy though the precise detail is dependent on individual circumstances.

Question 5 – Identifying Initial Results of Your Analysis

As a result of your analysis have you changed/amended your original proposal?

Please identify how –

For example:

Adjusted the original proposal – briefly outline the adjustments

Continuing with the Original Proposal – briefly explain why

Stopped the Proposal and Revised it - briefly explain

The Sufficiency Strategy has been informed by Stakeholder Consultation as part of its development and no changes have been made at this time.

Question 6 - Mitigation

Please set out any steps you will take to mitigate/reduce any potential adverse effects of your decision on those sharing any particular protected characteristic. It is important here to do a genuine and realistic evaluation of the effectiveness of the mitigation contemplated. Over-optimistic and over-generalised assessments are likely to fall short of the “due regard” requirement.

Also consider if any mitigation might adversely affect any other groups and how this might be managed.

As it is expected that the Sufficiency Strategy will contribute to more positive outcomes for children looked after and should not have an adverse impact, no mitigation measures are proposed.

Question 7 – Balancing the Proposal/Countervailing Factors

At this point you need to weigh up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of your analysis. Please describe this assessment. It is important here to ensure that the assessment of any negative effects upon those sharing protected characteristics is full and frank. The full extent of actual adverse impacts must be acknowledged and taken into account, or the assessment will be inadequate. What is required is an honest evaluation, and not a marketing exercise. Conversely, while adverse effects should be frankly acknowledged, they need not be overstated or exaggerated. Where effects are not serious, this too should be made clear.

The intention of the Lancashire Children Looked After Sufficiency Strategy is to improve the outcomes for this group of children and young people, and enhance their life chances. The Strategy builds on activities already in place – e.g. ART – and also includes innovative elements such as the proposed PAUSE programme. The Sufficiency Strategy will impact on those with a wide range of protected characteristics as service users/children looked after, families, employees, providers and others but it is expected that its impact will be a positive one.

Question 8 – Final Proposal

In summary, what is your final proposal and which groups may be affected and how?

Lancashire's Children Looked After (CLA) Sufficiency Strategy 2017-2020.

Question 9 – Review and Monitoring Arrangements

Describe what arrangements you will put in place to review and monitor the effects of your proposal.

Regular monitoring and review of the different elements included in the Sufficiency Strategy – e.g. numbers/percentages of those in foster or residential care – are already carried out and include the collection of information on relevant protected characteristics. It is anticipated that this will continue.

Equality Analysis Prepared By Jeanette Binns

Position/Role Equality and Cohesion Manager

Equality Analysis Endorsed by Line Manager and/or Service Head

Annette McNeil (Policy Information and Commissioning Manager, Start Well)

Decision Signed Off By

Cabinet Member or Director

Please remember to ensure the Equality Decision Making Analysis is submitted with the decision-making report and a copy is retained with other papers relating to the decision.

For further information please contact

Jeanette Binns – Equality & Cohesion Manager

Jeanette.binns@lancashire.gov.uk