

Impact Assessment

Version 2017

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Assessment of:	Sufficiency Strategy of Placements and Services for Children in Care, Care Leavers and Disabled Children.
Service:	Children's Services.

Head of Service:	Fiona Fleming, Head of Commissioning, Devon County Council
Date of sign off by Head of Service/version:	Version 2 agreed by Fiona Fleming 18/10/18 and by Jo Olsson 23/10/18
Assessment carried out by (incl. job title):	Children's Commissioning, Children's Services, Devon County Council

Section 1 - Background

Description:	<p>This assessment aims to consider the impact of the Sufficiency Strategy for Placements for Children in Care and Care Leavers produced by Devon County Council's Children's Services.</p> <p>Section 22G of the Children Act (1989) sets out a 'sufficiency duty' for all Local Authorities. The Children Act (2008) defines sufficiency as, "a whole system approach which delivers early intervention and preventative work to help support children and their families where possible, as well as providing better services for children if they do become looked after. For those who are looked after, Local Authorities and their Children's Trust partners should seek to secure a number of providers and a range of services, with the aim of meeting the wide-ranging needs of looked after children and young people within their local area."</p> <p>Local Authorities are required to take steps to secure, so far as is reasonably practicable, sufficient accommodation for children in care within their local area. In 2010, the Statutory Guidance for the Sufficiency Duty was issued. This guidance</p>
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	<p>is explicit in placing a duty on Local Authorities to act strategically to address gaps in provision by ensuring that they include, in relevant commissioning strategies, their plans for meeting the sufficiency duty.</p> <p>Sufficiency is approached in collaboration with our partners across the area, including our Peninsula Commissioning Partners and other bordering authorities, alongside our local response to national priorities that support different approaches to supporting children in care.</p> <p>A sufficiency strategy has been produced which is informed by these principles and outlines how we will ensure that children and young people who need to be in care can grow up in high quality provision that is well matched to and effectively meets their immediate and long-term needs and provides them with stability and permanence at the earliest opportunity. This sufficiency strategy also describes Devon's ambitions and how we will achieve the best for our children and young people in care, disabled children and care leavers in light of our understanding of their needs, now and in the future and of local provision. It links to the Council's wider strategy for children in care, which also sets out Devon's Corporate Parenting arrangements and position on other significant areas, such as how we achieve permanence for our children in care and meet the needs of care leavers. As corporate parents Devon County Council is committed to ensuring children and young people in care achieve the best possible outcomes and are well prepared and supported to step confidently into adulthood with the support they need. Key to this is that when they cannot remain within their family, children and young people are provided with permanence and stability in care in settings which meet their changing needs over time.</p> <p>The sufficiency strategy thus identifies what is working well, alongside, identifying commissioning intentions and priorities for development going forward to ensure we achieve the best outcomes for our children in care, disabled children and care leavers where placements and support are required.</p>
Reason for change/review:	<p>Devon County Council holds a statutory 'sufficiency duty' under Section 22G of the Children Act and the Sufficiency Statutory Guidance on Securing Sufficient Accommodation for Looked After Children (2010) is explicit in placing a duty on Local Authorities to act strategically to address gaps in provision by ensuring that they include, in relevant commissioning strategies, their plans for meeting the sufficiency duty.</p> <p>The sufficiency strategy produced aims to respond to these duties and responsibilities.</p>

Section 2 - Impacts, options and recommendations

See sections 3, 4 and 5 for background analysis

Options Appraisal and Recommendations:	<p>Recommendations for Cabinet members (please see Cabinet Report for further details) to welcome and endorse the Children's Services Sufficiency Strategy for Placements for Children in Care & Care Leavers and agree arrangements for this report to be published on the Council's website.</p> <p>Commissioning intentions and priorities identified within Children's Services Sufficiency Strategy aim to: -</p> <ul style="list-style-type: none"> • Promote Early Help by strengthening approaches and provision for children and young people on the edge of care, supporting young people at an earlier point and at the right time. • Prepare our children and young people for adulthood by developing the market and ensuring effective quality assurance for supported accommodation providers. • Improve outcomes for Children in Care and Care Leavers by ensuring they develop the skills and abilities they need to move onto independence with confidence following personalised support, can influence the care and placement they receive, increase variety of placement choices in the local area. • Improving stability and permanence of placements to help children and young people feel safe and build resilience whilst ensuring access to high quality local provision, wrap around support services and increasing the number of adoptive placements and special guardianship orders. • Increase in access to family-based care by increasing fostering sufficiency and friends and family fostering options, ensuring support for complex needs and emergency placements and where residential care is needed use this in an outcome focused and time limited way. • Reducing the impact of crisis care for children in crisis and/ or with high risk behaviours.
Social/equality impacts (summary):	<p>Commissioning intentions and priorities identified within the Sufficiency Strategy produced have the potential to achieve positive impacts for our children in care, care leavers and disabled children using services and/ or accessing types of placement.</p> <p>Ensuring there is an appropriate number and variety of placement types and services that are available to Devon's children in care, disabled children and care leavers that best meet their needs and the demand for placements and that are also of high quality and available locally has the potential to impact positively on their self-esteem, wider emotional health and wellbeing as well as providing opportunities for them to stay connected to their local communities where appropriate.</p>

	<p>Being in a stable and local placement and supporting families through edge of care services so children are able to stay at home and be brought up in their families will help young people to achieve the best possible outcomes in all aspects of their early lives.</p> <p>Better support for our children in care and care leavers aged 16 plus will mean young people are able to achieve and live positively as young adults and feel empowered to contribute positively to society and feel included within their local communities having acquired the skills they need to do this successfully.</p> <p>Priorities to recruit more foster carers to provide more foster placements for children in care who are disabled will have a positive impact. It will ensure equitable access to the option of a fostering placement for disabled children and will provide them with more opportunities to be brought up as part of a foster family.</p> <p>Feedback from children and young people using services and in placements will be regularly obtained by service providers and through the participation and engagement processes operating across Devon County Council. This will empower young people to have their voices heard, feel valued and feel confident as to how they can influence the development of services/ placements commissioned thus impacting on the care received. The terms and conditions of our contracts and quality assurance processes referenced within the Sufficiency Strategy helps us to oversee services to ensure they safe and high-quality services and placements for our children and young people</p>
Environmental impacts (summary):	<p>Increasing the availability of placements for children in care, care leavers and disabled children in the local area will mean fewer placements will be needed outside the local area. This could help to reduce air pollution as professionals visiting children in care and care leavers placed will not have to travel out of the local area.</p>
Economic impacts (summary):	<p>Actions that could be taken in response to the commissioning intentions and priorities included within the Sufficiency Strategy have the potential to bring about positive economic impacts.</p> <p>The knowledge base and skills of service providers could be increased allowing them to provide services in the most effective way for our disabled children who display challenging behaviour and support our children with complex needs and engaging in high risk behaviours for instance.</p> <p>There is a possibility of new provision opening and/ or increases in the capacity of existing provision locally creating job opportunities, in order to ensure delivery of services and placements to meet demand and need of our children in care, care leavers and disabled children over time and create opportunities for local businesses.</p>

Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):	None identified.
How will impacts and actions be monitored?	<p>The Sufficiency Strategy will be subject to an annual review and refresh.</p> <p>Action plans responding to the commissioning intentions and priorities contained within the Children's Services Sufficiency Strategy produced will be monitored and oversee by Children's Services Senior Leadership Team.</p>

Background Analysis

This section describes how relevant questions and issues have been explored during the options appraisal.

Section 3 - Profile and views of stakeholders and people directly affected

People affected:	Children in Care and Care Leavers including those children and young people who are unaccompanied asylum seeking children (UASC); disabled children and young people in care aged 0-25 years including those young people with special educational needs and disabilities (SEND) and eligible young people aged 16-17 years or care leavers at risk of homelessness, who are being provided with support and/or accommodation by the Local Authority now or in the future, living across the Devon localities of Exeter, North, Mid & East & South Devon.
Diversity profile and needs assessment of affected people:	<p><u>Reach:</u> - The Joint Strategic Needs Assessment(JSNA) Devon Overview (2018) indicates Devon has a population of around 780,000. Around 163,800 are children and young people aged 0-19 years.</p> <p>The 2018 JSNA also states “According to the 2011 Census, 8.6% of residents in Devon reported having a health problem or disability that limits their day-to-day activities a lot, and has lasted or is expected to last, at least 12 months. It is estimated that 14,800 people have a Learning Disability and 7,500 people have autism (National Autistic Society)” (p91).¹</p> <p>“Devon has a higher than average proportion of children with SEN; and especially of children identified as having SEN relating to social, emotional, behavioural and mental health needs. In terms of future need, based on population projections, there may be approximately 400-600 more children with disabilities in 2021 than there are at present in Devon. There may be an additional small increase in children with complex needs due to factors such as increased survival of preterm babies; and a continuing rise in children with diagnosed autistic spectrum disorders due to historical under-recognition.” (p5)²</p> <p>At September 2018, there were 727 Devon children in care. At August 2018, there were 528 Devon care leavers. At April 2018 Devon had 38 unaccompanied asylum-seeking children in their care. At 14th October 2018, there were 374 disabled children</p>

¹ Direct quote from the Joint Strategic Needs Assessment Devon Overview (2018)

² Direct quote from Devon’s Joint Strategic Needs Assessment for Children and Young People with Special Educational Needs and Disabilities (SEND), 2017.

	<p>and young people accessing the Disabled Children's Social Work Service³. 79 are Children Looked After and 296 are Children in Need⁴.</p> <p><u>Experience:</u> -Devon have a Children in Care Council and a Care Leavers forum to facilitate in hearing the voice of our Children in Care and Care Leavers. The function is overseen by Devon County Council's Participation Team. During 2016 and 2017 these forums have explored children and young people's experiences of placement stability and 'What do I want from a placement?' As well as engagement with Devon's Unaccompanied Asylum-Seeking Children to create a 'Top Tips' resource for carers providing placements. Examples of feedback obtained are included within the Sufficiency strategy produced. Young people residing in supported accommodation were consulted to inform the needs assessment for the re-tendering of the contract. NEW Devon and South Devon and Torbay CCG have also led a partnership approach to engage with parents, carers and children and young people with additional needs and disabilities and feedback has been used to inform procurement of Community, Health and Care services designed to support children with additional needs and disabilities (https://www.newdevonccg.nhs.uk/your-ccg/children-andyoung-people-100144). Feedback received from children and young people is included within the sufficiency strategy and has influenced commissioning intentions and priorities identified within the Sufficiency Strategy.</p> <p><u>Dependence:</u> - Support and/or accommodation provided by the Local Authority for our children in care, disabled children and care leavers is of fundamental importance in providing them with specialist support and intervention that best meets their specific needs and allows them to meet milestones, make opportunities accessible to them whilst allowing them to achieve the best possible outcomes to ensure they are happy, healthy, safe and prepared for adulthood and independence.</p>
Other stakeholders (agencies etc.):	<p>Northern, Eastern and Western Devon Clinical Commissioning Group (CCG)</p> <p>South Devon and Torbay Clinical Commissioning Groups (CCG)</p> <p>Devon County Council's Children's Services</p> <p>Peninsula Partners (Somerset County Council, Plymouth City Council, Torbay Council, Somerset County Council)</p> <p>Devon District Councils</p>

³ This does not include cases where only financial support is being accessed/ provided.

⁴ The remainder are subject of Child Protection Plans.

	<p>Devon County Council Councillors</p> <p>Providers of placements including residential children's homes, fostering, supported living options, welfare secure placements for disabled children and short break.</p>
Consultation process and results:	<p>Devon County Council's Children's Services have been listening to our Children in Care and working with providers and practitioners to determine the priorities for the sufficiency strategy. A stage of further engagement was undertaken with the final draft of the strategy during September and October 2018 to allow us to test if the priorities we have set out address the issues that children and young people have been raised with us. At a partnership level we have shared the strategy with the Joint Commissioning Group of the Devon Children and Families Partnership and the Peninsula Commissioning Board. Providers have also been invited to attend focus sessions in October/ early November to test the commissioning intentions set out within the strategy.</p> <p>In addition, the strategy was reviewed as part of a Scrutiny Liaison Autumn Briefing session with Devon Councillors in October 2018.</p>
Research and information used:	<ul style="list-style-type: none"> • Joint Strategic Needs Assessment Devon Overview (2018) • Devon's Joint Strategic Needs Assessment for Children and Young People with Special Educational Needs and Disabilities (SEND) 2018. • Community, Health and Care services consultation https://www.newdevonccg.nhs.uk/your-ccg/children-and-young-people-100144 • Power BI- Performance DashBoard

Section 4a - Social Impacts

Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

Characteristics	In what way can you eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage? Are there any lawful, reasonable and proportionate, unavoidable negative consequences?	In what way can you advance equality (meet needs, encourage participation, make adjustments for disabled people, 'close gaps'). In what way can you foster good relations between groups (tackle prejudice and promote understanding), if relevant?
All residents (include generic equality provisions):	What children and young people have told us has influenced the commissioning intentions and priorities identified within the Sufficiency Strategy. Opportunities are also being taken to further test this. This could positively impact on our children and young people to feel included, involved and valued by the Local Authority in helping to design and commission services to best support them.	Commissioning intentions and priorities identified within the strategy will help to ensure there are an appropriate number and variety of placement types that are available to Devon's children in care and care leavers that best meet their needs and the demand for placements. Where there are more local placements available to Devon's children in care and care leavers that are personalised to best meet needs, this will result in greater placement stability. This could have a positive impact on children and young people who will feel safe, a sense of belonging, happy and will know where they stand. Local placements will mean fewer children and young people will need to be placed out of area allowing them to stay connected to their families and friends where appropriate reducing the likelihood of them feeling isolated or alone. Being in a stable and local placement is also likely to improve children and young people's emotional health and wellbeing including impacting positively on their self-esteem, their ability to feel included and willing to participate within the local community in which they are placed and facilitate in helping them to achieve the best possible outcomes in all aspects of their early lives.
Age:		Commissioning intentions and priorities included within the strategy for support and accommodation services for children in care aged 16 plus, care leavers and eligible young people aged 16 and 17 years at risk of homelessness will continue to improve services for young people allowing them to build

		<p>resilience and be best supported on their journey to adulthood and independence. Better support could mean young people are able to achieve and live positively as young adults and feel empowered to contribute positively to society and feel included within their local communities.</p> <p>Commissioning intentions and priorities aimed at increasing options for permanence will ensure children and young people have the opportunity to be brought up in families where they can feel safe, supported and happy. This has the potential to impact positively on their ability to achieve positive outcomes in all aspects of their lives.</p>
Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:	Services and placements commissioned by Devon County Council and referenced within the Sufficiency Strategy will have service specifications that emphasise the expectation that Service Providers ensure services are accessible to disabled children. Service specifications commissioning services for disabled children will detail specific requirements and provisions for services this could include using appropriate communication methods to obtain feedback from disabled children and young people, use of specialist equipment and taking measures to enable disabled children and young people to participate in activities and achieve their highest potential.	Priorities to recruit more foster carers to provide more foster placements for disabled children in care -will have a positive impact. It will ensure equitable access to the option of a fostering placement for disabled children and will provide them with more opportunities to be brought up as part of a foster family. This has the potential to impact positively on their ability to achieve positive outcomes in all aspects of their lives.
Culture and ethnicity: nationality/national origin, skin colour, religion and belief:	Service providers of all services designed and commissioned for our children in care, care leavers, disabled children will be expected to deliver services in a way which respects people on the basis of their culture and ethnicity. Services and placements commissioned by Devon County Council and referenced within the	

	Sufficiency Strategy will have service specifications that emphasise these requirements and that services to be provided are personalised to best meet needs, wishes and values of each individual child or young person.	
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed).	Service providers of all services designed and commissioned for our children in care, care leavers, disabled children will be expected to deliver services in a way which respects people on the basis of their sex, gender and gender identifies. Services and placements commissioned by Devon County Council and referenced within the Sufficiency Strategy will have service specifications that emphasise these requirements and that services to be provided are personalised to best meet needs, identify, wishes and values of each individual child or young person.	
Sexual orientation and marriage/civil partnership:	Service providers of all services designed and commissioned for our children in care, care leavers, disabled children will be expected to deliver services in a way which respects people on the basis of their sexual orientation. Services and placements commissioned by Devon County Council and referenced within the Sufficiency Strategy will have service specifications that emphasise these requirements and that services to be provided are personalised to best meet needs of each individual child or young person.	
Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing	Intentions to improve, strengthen and invest in edge of care services will ensure children, young people and families receive support and intervention at earlier points. This will mean they are able to remain together with more children continuing to be brought up in their families. Earlier intervention and support will allow families to	

skills, 'digital exclusion' and rural isolation.	access the tools they need and build resilience to live and function safely and achieve positive outcomes.	
Human rights considerations:	<ul style="list-style-type: none"> Article 12 (respect for the views of the child): - Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. Article 23 (children with a disability) A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families. Article 6 (life, survival and development) Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential. Article 20 (children unable to live with their family). If a child cannot be looked after by their immediate family, the government must give them special protection and assistance. Includes making sure the child is provided with alternative care that is continuous and respects child's language, religion and culture. Article 19 (protection from violence, abuse and neglect). Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them. 	

Supporting independence, wellbeing and resilience?

Give consideration to the groups listed above and how they may have different needs.

In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered and resourceful?	Providers of services and placements commissioned for children in care, care leavers and disabled children will need to employ the use of strategies and resources that means services are personalised to best support and meet their changing needs over time. This will include helping young people to acquire the skills, abilities and resilience to be independent. Feedback from children and young people using services and in placements will be regularly obtained by service providers and through the participation and engagement processes operating across Devon County Council. This will empower young people to have their voices heard, feel valued and feel confident as to how they can influence the development of services/ placements commissioned impacting on the care received.
In what way can you help people to be safe, protected from harm, and with good health and wellbeing?	All providers of services and placements commissioned for children in care, care leavers and disabled children will need demonstrate their ability to deliver safe and high-quality services for children and young people. The terms and conditions of our contracts and quality assurance

	<p>processes will facilitate in overseeing services to ensure they are delivered in ways that comply with safeguarding policy and procedure.</p> <p>Increasing the availability of placements, improving quality and stability of placements for children in care, care leavers and disabled children in the local area will promote positive health and wellbeing. This could include positive impacts on their self-esteem, their ability to feel included and sense of belongingness. Good health and wellbeing will facilitate in helping them to achieve the best possible outcomes in all aspects of their early lives.</p>
In what way can you help people to be connected, and involved in community activities?	<p>Increasing the availability of placements for children in care, care leavers and disabled children in the local area will mean children and young people are able to stay connected, feel a greater sense of inclusion and belongingness and therefore be better able to participate within opportunities across their local communities.</p>

Section 4b - Environmental impacts

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties.

The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select from the table below and proceed to the 4c, otherwise complete the environmental analysis table):

	Devon County Council's Environmental Review Process
	Planning Permission
	Environmental Impact Assessment
	Strategic Environmental Assessment

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Reduce, reuse, recycle and compost:	None	None
Conserve and enhance wildlife:	None	None
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	None	None
Conserve and enhance Devon's cultural and historic heritage:	None	None
Minimise greenhouse gas emissions:	None	Increasing the availability of placements for children in care, care leavers and disabled children in the local area will mean fewer placements will be needed outside the local area. This could help to reduce air pollution as professionals visiting children in care and care leavers placed will not have to travel out of the local area.
Minimise pollution (including air, land, water, light and noise):	None	None
Contribute to reducing water consumption:	None	None
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier,	None	None

hotter summers; more intense storms; and rising sea level):		
Other (please state below):	None	None

Section 4c - Economic impacts

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Impact on knowledge and skills:		Actions that could be taken responding to the commissioning intentions and priorities in the Sufficiency Strategy could facilitate providers of placements and services to receive further increase knowledge base and skills to allow them to provide services in the most effective way for our disabled children who display challenging behaviour and our children with complex needs and engaging in high risk behaviours for instance.
Impact on employment levels:		The possibility of new provision opening and/ or increases in the capacity of existing provision locally could result in an increase in staffing numbers. This could create job opportunities in ensuring delivery of services and placements to meet demand and need of our children in care, care leavers and disabled children over time.
Impact on local business:	Any commissioning opportunities linked to service areas referenced within the Sufficiency Strategy will enable a full range of suitable bidders for any	The possibility of new provision opening and/ or increases in the capacity of existing provision locally to ensure delivery of services and placements to meet demand and need of our children in care, care leavers and disabled children over time could also create opportunities for local businesses (any building

	provision and would include the option for consortia bids.	opportunities for local contractors, utilities, food, cleaning services may be required locally).
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Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	
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Section 5 - 'Social Value' of planned commissioned/procured services:

How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?	Services and placements commissioned and/or provided to children in care, care leavers and disabled children will support young people to feel empowered and have broadened life skills -which could impact positively on their well-being and improve social value in years ahead.
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