

APPENDIX 3



INITIAL SCREENING – STAGE 1 (See Guidance information)

As a public authority we need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Full Equality Assessment is required.

Name of policy, strategy or function: Early Years and Childcare Sufficiency, Quality, Access and Inclusion Funding	Ref: CYPF0313EY
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Responsible Officer: Taj Bharj	Role: Business Support Officer
Directorate: Children, Young People and Families	Assessment Date: 3 March 2013

Is this a:	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Function <input checked="" type="checkbox"/>	Service <input type="checkbox"/>
Is this:	New or Proposed <input type="checkbox"/>	Already exists and is being reviewed <input checked="" type="checkbox"/>	Is Changing <input type="checkbox"/>	

1. What are the main aims, objectives of the policy, strategy, function or service and the intended outcomes and who is likely to benefit from it

Aims: To ensure sufficiency of high quality affordable early education and childcare places for 0-19 year olds across the city for parents in work or training for work as far as is reasonably practicable.

Objectives:

- To support parents/carers in work or training through sufficient available childcare provision across the city.
- All ensure early years and childcare settings are inclusive and accessible to children and families in Birmingham.
- Flexible early years provision entitlement is available across the city for all three and four year olds and targeted two year olds.
- The Early Years and Childcare Service fund a range of external organisations to work in partnership to support the raising of quality using the Early Years Quality Improvement Support Programme (EYQISP), offering mandatory and targeted training, support, advice and challenge to ensure early years and childcare providers are delivering their services inline with statutory duties.
- To offer capital and revenue funding to settings to enable engagement and participation of

children and young people at risk of social inclusion to access the services and monitor the impact.

- To support and promote the up-skilling of the early years and childcare workforce to support the raising of quality in early years and childcare settings.

Previously two Initial Screening Equality Impact Needs Assessments were undertaken for this function: Quality, Inclusion and Workforce and, Childcare Sufficiency on 18 March 2011.

Outcomes: High quality early years and childcare services, better trained staff, more choice for parents, improved outcomes for children particularly for attainment and achievement. Birmingham City Council able to execute statutory duties in relation to Children's Act 2006.

Benefits: Children, young people and families have access to inclusive universal childcare services, more choice for parents that are in work or training, Childcare providers benefit from advice and guidance to meet legislative and Ofsted requirements. Local communities benefit from positive socio economic profile that results from childcare businesses operating in their local areas, particularly if these areas of disadvantage.

2. Explain how the main aims of the policy, strategy, function or service will demonstrate due regard to the aims of the General Duty?

1. Eliminate discrimination, harassment and victimisation?
2. Advance equality of opportunity?
3. Foster good relations?
4. Promote positive attitudes towards disabled people?
5. Encourage participation of disabled people?
6. Consider more favourable treatment of disabled people?

Mission statement:

This function is focussed on the availability of and access to high quality, inclusive and affordable childcare and education places through providers from the private, voluntary and independent (PVI) sector. The Early Years and Childcare Service is required to manage the childcare market by providing support services and appropriate mandatory and targeted training to childcare providers to ensure that the function is maintained.

Eliminate discrimination, harassment and victimisation and, Encourage participation of disabled people

Children and young people at risk of exclusion are supported to access universal services in their local community. This is also achieved by commissioning specific projects that support both childcare providers and, enable disabled children to participate in childcare activities across the city. For example, the Dens Of Equality project is commissioned to provide the following:

1. *Supportive solutions to ensure universal opportunities are accessed by hard to reach groups of disabled young people and their families.*
2. *To work in partnership with Special Schools to deliver extended services tailored to meet the needs of the children and their families*
3. *Work closely with and empower parents to contribute to service design, delivery and evaluation of the services offered to them and their children.*

4. *Dens of Equality (DOE) supports the early intervention approach which reduces the risk of isolation and exclusion of potentially vulnerable families.*

Advance equality of opportunity

Equality of opportunity is achieved by children having full access to universal services in their local area. Individual children and young people's needs and abilities are taken into consideration in service delivery. For example, both the Inclusion and Building Foundations Projects delivered by the local branch of the Pre - School Learning Alliance (PLA) supports preschool children with:

1. *Special Educational Needs and or disability and their families to access universal settings prior, during and following their admission.*
2. *Improve the quality and experiences that unregistered childcare groups provide to their children including the introduction of the early years foundation stage principles.*

Foster good relations

This is achieved by all external funded service providers that work in partnership and consultation with parents, service users and other partner agencies in the PVI sectors to ensure consistency within the range of services offered to children and young people.

Promote positive attitudes towards disabled people

By having universal mainstream settings that provide access and inclusive services for disabled children, positive attitudes towards disabled children and young people are promoted. The support, advice and challenge provided by the commissioned projects challenges attitude and enhances or improves practice within childcare settings.

Consider more favourable treatment of disabled people

The nature of the commissioned projects encourages favourable treatment of disabled children and young people by enabling providers of childcare services to think about the services they provide. In addition the projects also contribute to raising awareness of disability issues and equality both internally within their own organisations and their staff and, externally within settings and their staff

3. What does your current data tell you about who your policy, strategy, function or service may affect:

Service users (<i>Nurseries, Out of School Clubs, Playgroups, Childminders</i>)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Employees (<i>employed by external service providers</i>)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Wider community (<i>Children & young people</i>)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Please provide an explanation for your 'Yes' or 'No' answer

Our current data enables us to identify how much money is spent on salaries and the number of staff employed their gender, disability, age, race and nationality within the organisations that we fund. All partner organisations submit monitoring data which tells us about the client groups, impact of service provision and outputs and outcomes. Quarterly review meetings are held with service providers during which all aspects of contract monitoring and compliance including impact of the service is evaluated and any issues addressed.

Our data also shows that our proposals (to be presented at the 10 June 2013 Cabinet meeting) which recommend the continuation of the current function i.e. to procure reshaped service provision from external providers through a competitive open tendering route, will not have an adverse impact.

Therefore, if funding is in place there would be no adverse impact on service users

(childcare settings) and the wider community (children and young people and families) as we will be able to commission services and service users will continue to receive the services. All external employees are employed directly by the external service providers and not Birmingham City Council. However, if funding was removed then there would be an adverse impact. Since we are not proposing removal of grants or service then the answer to Q3 is NO. (Please note that we are answering Q3 within the context of the function and not the current service providers).

The contracts held by current service providers ended on 31st March 2013 but have been extended for 6 months from 1st April to 30th September 2013 in order to:

- enable continuity of service whilst Cabinet approval is sought for undertaking the proposed procurement activity
- to enable new contracts commissioned through a formal procurement process to deliver services from October 2013 to coincide with proposed changes to statutory duties of the Local Authority

If current service providers are not awarded new contracts from October 2013 there could potentially be an adverse impact if they do not have alternative income in place. They may need to consider restructuring or in the worse case scenario they could face closure. Some providers such as Professional Association for Childcare and Early Years (PACEY) (previously known as National Childminding Association) and Pre-school Learning Alliance (PLA) are national organisations with local branches and it is the local branches that could be at risk. For example, PLA have two contracts with Early Years and Childcare Service and may not be viable as an organisation if one or both contracts were lost to a new provider under the open tender process.

Employees are employed directly by the external organisations themselves and as far as we are aware there are no TUPE implications to Birmingham City Council on the basis of these organisations operating from Birmingham City Council owned premises. All providers rent/lease non Birmingham City Council owned premises. On the basis that some service providers will have a dedicated workforce to deliver current services which are not changing significantly there are likely to be TUPE implications to the successful organisations appointed to deliver new contracts from October 2013 and thereafter. TUPE issues relating to staff will be addressed under the rules of the procurement process.

The wider community i.e. children, young people and families would only be affected if 2013/14 funding was removed as this would impact on the quality of service provision and services would not be inclusive and accessible to all children, particularly those with disabilities and additional needs.

4. Are there any aspects of the policy, strategy, function or service, including how it is delivered, or accessed, that could contribute to inequality? (including direct or indirect discrimination to service users or employees)

Yes

No

Please provide an explanation for your 'Yes' or 'No' answer

The current service providers are historical Third Sector partners contracted to deliver services to support Early Years and Childcare Service to meet statutory duties. Birmingham City Council has no direct responsibility for staff or staff recruitment within these organisations. They are required to follow good practice (detailed in the terms and conditions of their contracts) and adopt policies and guidelines used by Birmingham City Council for health and safety, safeguarding, equality of opportunity to ensure, that Birmingham City Council meets the duties under the Equality Act 2010. Whilst we are not directly responsible for staff working within the commissioned/contracted services the organisations contribute to the workforce in general and keep local people in employment.

In addition, all contracted services play an active role in ensuring that childcare provision and education places are inclusive of all children including those with disabilities and complex needs. For example, the medical needs project achieves this by delivering training to staff at childcare settings with regard to the administration of emergency medication. This enables children with medical needs to access universal childcare service provision.

All contracted service providers are issued with standardised templates to record financial and non financial data regarding the impact of the provision.

5. Will the policy, strategy, function or service, have an adverse (negative) impact upon the lives of people, including employees and service users?

Yes

No

Please provide an explanation for your 'Yes' or 'No' answer

The aim of commissioning external projects is to improve access to early years and childcare provision that is of a high quality for all children, particularly those at risk of exclusion. There isn't a negative impact as long as the ability to procure such childcare projects remains.

We are not responsible for staff working within contracted services that are provided by external partners. However, where a service provider receives its core income from Birmingham City Council, for example PLA which has two contracts with Early Years and Childcare Service - the organisation may not be viable if either contract was removed. Any potential adverse impact on service providers in the event that contracts are not renewed could be minimised by these organisations being given 3 months notice that the contracts will end in order to enable them to fulfil their legal obligations as employers to their employees. (A letter will be issued by 1st May advising service providers that the 6 month extension to their 2012/13 contracts will end on 30th September 2013).

Where service specifications have changed due to legislative changes such as the current service delivered to childminders by PACEY, the impact on childminders would be minimal as there could be other opportunities available to them. For example, from September 2013 there will be an additional statutory duty to provide disadvantaged two year olds with Free Early Education (FEF)

places that will result in the need to provide around 4, 800 places, increasing to 10,400 places by 2014. Childminders will be a key service user group who would be in a position to provide the additional FEF places required to meet this challenge.

If a service continues and the current service provider is not awarded a new contract the procurement rules will take into account any potential 'TUPE' issues.

With regard to service users (childcare organisations in all childcare sectors) there could potentially be a risk if funding is reduced or not approved. This is dependant on whether Cabinet approves our recommendation to procure services for 2013/14. Whether the service is provided by an existing or new provider there should be no impact on service users as the services will still be available. Although loss of funding is a potential risk we will not know until after 10 June 2013 Cabinet meeting and the planned procurement process, as to whether there will be an adverse impact on service users.

Consultation with the current historically funded providers has taken place in several ways over the last few years to prepare them for the transition from Service Level Agreements to Contracts awarded through a tender process. The first consultation event with a series of one to ones and targeted support took place during 2006 to explain the rationale behind a procurement route for future services and the need for more robust monitoring and evidence based outcomes monitoring. The last few years have been used to introduce more stringent monitoring, particularly financial which included 2 workshops in April 2008 for service providers (delivered by the finance team within Early Years and Childcare Service) on how to complete electronic financial spreadsheets to record and monitor expenditure. More recently, we worked closely with Children's Commissioning Team by adopting review processes for externally provided services. In June 2011, service providers were requested to complete a questionnaire to assist the Early Years and Childcare Service to determine the extent to which commissioned services were aligned with the New Operating Model for the Children, Young People and Families Directorate. In January 2012, service providers completed a service review form and exit strategy as part of the service review. In addition to this, every provider attends quarterly monitoring review meeting to discuss for example, progress and impact of their service provision and, receive updates regarding relevant developments / legislative changes within the Local Authority. These meetings also provide an opportunity for service providers to raise issues and ask questions such as plans in relation to the award of future contracts and funding.

With regard to our current proposed intentions we will write to providers to advise and update them and organise a consultation event (including individual meetings) during which the procurement strategy and timescales will be discussed. In addition to the direct consultations with providers detailed above, examples of other consultations within Early Years and Childcare Services include:

- *Consultations with parents to discuss the role of early years in supporting parents to identify and have full access to universal services.*
- *Consulting with a variety of childcare providers from the PVI sector and partner organisations across the city to submit to the Department for Education, the Local Authority's response to, the following consultations:*
 - *April 2013 - Consultation on proposed changes to the role of the local authority in early education and childcare and, Consultation on the criteria for Early Years Educator qualifications (Level 3).*

- *March 2013 - Consultation on Early Education and Staff Deployment.*
- *August 2012 - Commission on childcare to look at how to reduce the costs of childcare for working families and burdens on childcare providers.*

N.B The function requires all funded partners (service providers) to engage with their end users as part of the performance and evaluation framework and monitoring arrangements.

6. Is an Equality Assessment required?

If your answer to question 2 has identified potential adverse impact and you have answered 'yes' to any of the following questions 3, 4, or 5, then you should carry out a Full Equality Assessment.

Does the Policy, Strategy, Function or Service require a Full Equality Assessment? Yes No

If a Full Equality Assessment is required, before proceeding you should discuss the scope of the assessment with service managers in your service area as well as the Directorate Contact Officer.

If a Full Equality Assessment is **Not** required, please sign the declaration and complete the Summary statement below, then forward a copy of the Initial Screening to your Directorate Contact Officer

If a Full Equality Assessment **Is** required, you will need to sign the declaration and complete the Summary statement below, detailing why the Policy, Strategy, Function or Service is moving to a Full Equality Assessment. Then continue with your Assessment.

DECLARATION

A Full Equality Assessment not required, the Initial Screening has demonstrated that the Policy, Strategy, Function or Service is robust; there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

Chairperson: Karen Pearson



Sign-off Date: 30th April 2013

Summary statement: There has been various consultation meetings over a period of time that have informed this report and should cabinet accept the proposals there would be no adverse impact on children or their families

Quality check: The screening document has been checked using the agreed audit arrangements in the Directorate:

<p>Name: (Officer/Group carrying out the Quality Check) Veronika Quintyne</p> <p>Directorate:CYPF</p> <p>Contact number: 0121 4643073</p>	<p>Date undertaken: 29.4.2013</p>	<p>Screening review statement: Consultation with funded providers and parents has taken place over differing periods of time.</p> <p>Continuation of the current function, if accepted by Cabinet means there will be no adverse impact on service users or the wider community (children, young people and families).</p> <p>On this basis I concur that no stage 2 equality assessment is required.</p>
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Equality Assessment Task Group Members

<u>Name</u>	<u>Role on Task Group</u> (e.g. service user, manager or service specialist)	<u>Contact Number</u>
1. Karen Pearson	Head of Service	675 - 7135
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