

Equality Impact Assessment (EIA)

1. Topic of assessment

EIA title	Forensic Testing Services Framework 2019 – 2021 This is a working document
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EIA author	Emily Huntington & Libby Butler
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2. Approval

	Name	Date approved
Approved by	Dave Hill, Executive Director – Children, Families, Lifelong Learning and Culture	17 April 2019

3. Quality control

Version number	0.2	EIA completed	
Date saved	19 March 2019	EIA published	

4. EIA team

Name	Job title	Organisation	Team role
Carol Douch	Head of Countywide Services	Surrey County Council	Project Sponsor
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5. Explaining the matter being assessed

What policy, function or service is being introduced or reviewed?

Surrey County Council (the Council) must meet a range of statutory obligations to ensure that safeguarding decisions about children are made using high quality evidence suitable for the courts. A range forensic tests (DNA, Drug and Alcohol) are sometimes used to inform the Council in its child protection and care planning decisions. These assessments are usually completed by specialist medical professionals and independent laboratories.

The Council currently has a Framework in place to access the forensic testing market, with five providers (which have different specialities), covering three geographic areas in Surrey. This is due to expire on 31 July 2019. The Council is therefore required to go out to the market through a full tender process.

There is significantly more demand for drug and alcohol testing than DNA; in 2017/18, 332 drug and alcohol tests were requested, compared to 37 DNA tests. Over the last five years, in line with the growing numbers of Care Order applications, the demand for forensic tests has also increased.

The timeliness of independent forensic tests needs to be improved (reflecting Ofsted's findings in May 2018) to avoid drift and unnecessary distress to families and vulnerable children.

What proposals are you assessing?

This Equality Impact Assessment will assess proposals to:

- Recommission the Framework for forensic testing using a full tender process, which will be split into three lots:
 - Lot 1 – DNA Testing
 - Lot 2 – Drug Testing
 - Lot 3 – Alcohol Testing

It is envisaged that three providers, who can provide services across the three lots, will be accepted onto the Framework.

The proposals will improve service delivery by updating the Council's expectations of quality, adherence to which will be monitored closely, with particular focus on providers' safeguarding policies and procedures. The Framework will also ensure that the Council continues to be compliant with procurement regulations. It is envisaged that the Framework will go live on 1 August 2019 and will be in place for two years, with an option to extend for (periods up to) a further three years.

The proposals will ensure that children and families do not experience unnecessary delays during pre-proceedings and care proceedings. This has been 'future-proofed' by the ability to reopen the Framework should a provider be lost due to termination of contract. Additionally, families and social workers will have greater confidence in court decisions as a result of the improved quality of testing; and where this is not the case, the Council will be able to hold providers to account.

This is an early version of the Equality Impact Assessment; it will remain a live document to ensure that the proposals conform to the Council's policies on discrimination and equality.

Who is affected by the proposals outlined above?

- Children, young people and their families who are subject to a child protection plan, the Public Law Outline (PLO) process, or during care proceedings
- The wider children's services workforce
- Providers the Council currently commissions forensic testing from
- The courts, who request testing as part of proceedings

6. Sources of information

Engagement carried out

- The Council has facilitated provider events to engage with organisations interesting in joining the Framework, and incorporate their feedback into the Service Specification.
- A Project Group with officers from Child Protection and Proceedings Teams, Children's Social Care and Wellbeing Commissioning, Procurement, Legal, and Corporate Finance has been established and meets regularly. The group is responsible for helping to steer and advise the project team – for example, providing service level input on expectations of providers to informing the contents of the service specification, performance monitoring schedule and pricing structures.
- There has been limited direct engagement with children, young people (CYP) and families because it was not deemed appropriate to engage with CYP and families who are going through pre-proceedings or proceedings. Information was sought, however, from the Quality and Experience team, who shared results of previous engagement with families who have been through child protection and/or care proceedings.

Data used

- Children's Commissioner (2018), *Estimating the prevalence of the toxic trio* - <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2018/07/Vulnerability-Technical-Report-2-Estimating-the-prevalence-of-the-toxic-trio.pdf> (accessed 03.08.18)
- Department for Education (2018a), *Characteristics of children in need: 2017 to 2018* - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762539/Characteristics_of_children_in_need_2017-2018_Main_tables.xlsx (accessed 15.01.19)
- Department for Education (2018b), *Children's Social Work Workforce 2017* - <https://www.gov.uk/government/statistics/childrens-social-work-workforce-2017> (accessed 15.01.19)
- Department for Education (2012), *Family Justice Review: Reducing the Duration of Care Proceedings Cases* - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/190167/DFE-32069-2012.pdf (accessed 11.01.19)
- Surrey-i (2017). *JSNA – Safeguarding Children* - <https://www.surreyi.gov.uk/jsna/safeguarding-children/> (accessed 17.01.19)
- ONS (2012), *Ethnicity and National Identity in England and Wales* - <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/ethnicityandnationalidentityinenglandandwales/2012-12-11> (accessed 15.01.19)
- Surrey County Council (2018), *Needs Analysis for Forensic Testing and Expert Assessments in Surrey*
- Surrey County Council Finance Data

7. Impact of the new/amended policy, service or function

7a. Impact of the proposals on residents and service users with protected characteristics

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence												
<p>Age</p>	<ul style="list-style-type: none"> Children should be less likely to be exposed to continued risk, or experience the distress and anxiety associated with drift and delay during pre-proceedings and care proceedings as a result of delays to testing. This should help ensure that appropriate support can be put in place more quickly, leading to better outcomes for children – including improving the likelihood of them achieving permanence and reducing the likelihood of long-term developmental problems. Professionals will be required (as outlined in the service specification) to communicate with children and families, including documenting their findings, in an appropriate manner to 	<ul style="list-style-type: none"> Children and/or vulnerable adults may not have the capacity to fully understand the testing process, findings and implications, however this should be mitigated by the requirement (as outlined in the service specification) for professionals to communicate and document their findings in an appropriate manner. 	<p>Breakdown of children subject to child protection plans by age at 31 March 2018:</p> <table border="1"> <tr> <td>Unborn</td> <td>1,150</td> </tr> <tr> <td>Under 1</td> <td>5,000</td> </tr> <tr> <td>1 – 4</td> <td>13,750</td> </tr> <tr> <td>5 – 9</td> <td>15,860</td> </tr> <tr> <td>10 – 15</td> <td>15,810</td> </tr> <tr> <td>16 and over</td> <td>2,220</td> </tr> </table> <p><i>DfE (2018a)</i></p> <ul style="list-style-type: none"> Delays in proceedings: <ul style="list-style-type: none"> May deny children a chance of a permanent home, particularly through adoption Can have harmful long-term effects on a child’s development May expose children to more risk Cause already damaged children distress and anxiety <p><i>DfE (2012)</i></p> <ul style="list-style-type: none"> 25-27% of children live with an adult who has experienced domestic abuse 10% of children aged 0-15 live with an adult misuses substances – 4% of these children live with an adult who is dependent on drugs or alcohol <p><i>Children’s Commissioner (2018)</i></p>	Unborn	1,150	Under 1	5,000	1 – 4	13,750	5 – 9	15,860	10 – 15	15,810	16 and over	2,220
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	<p>ensure they understand the testing process.</p> <ul style="list-style-type: none"> • There will be a strong focus on the safeguarding of children and vulnerable adults through the assessment and testing process as a result of robust monitoring arrangements. 		
<p>Disability</p>	<ul style="list-style-type: none"> • Ensuring tests are completed within timescales could reduce anxiety and uncertainty (which those with disabilities may be more acutely impacted by) associated with pre-proceedings and proceedings. • Professionals will be required (as outlined in the service specification) to communicate to those with disabilities, including documenting their findings, in an appropriate manner to ensure they understand the processes and content of assessments (including test results). • There will be a strong focus on the safeguarding of children and adults with disabilities through the assessment and testing 	<ul style="list-style-type: none"> • Children and adults with disabilities may not have the capacity to fully understand the testing process, findings and implications – however, this should be mitigated by the requirement (as outlined in the service specification) for professionals to communicate and document their findings in an appropriate manner. • Timescales to complete testing may put parents and children with disabilities (including mental health issues) at a disadvantage, as research has shown that they may need longer to come to terms with proceedings. 	<ul style="list-style-type: none"> • The JSNA suggests that those with disabilities are more at risk of harm than the rest of the population. <i>Surrey-i (2017)</i> <p>Research has shown that people with disabilities and mental health difficulties may need longer to come to terms with proceedings – however, there are also suggestions that shortened timescales for proceedings reduce the associated anxiety, which can impact those with disabilities more. <i>DfE (2012)</i></p>

	<p>process as a result of robust monitoring arrangements.</p>		
<p>Gender reassignment</p>	<ul style="list-style-type: none"> No impact 	<ul style="list-style-type: none"> No impact 	<p>In 2012, a survey of 10,000 people found 1% of respondents to be gender variant. Although gender reassignment is rare, it is increasing as public awareness grows. <i>Equality and Human Rights Commission (2012)</i></p>
<p>Pregnancy and maternity</p>	<ul style="list-style-type: none"> In the case of unborn babies, forensic testing can be especially time critical in order to give expectant mothers' (and their families) as much time as possible to receive the appropriate support. The proposals will reduce delays to assessments, which will improve outcomes for expectant and new mothers by giving them the best chance to care for their baby. There will be a strong focus on the safeguarding of pregnant women, who are likely to be especially vulnerable, through the assessment process as a result of robust monitoring arrangements. 	<ul style="list-style-type: none"> The forensic testing Framework will have no negative impact on this characteristic. 	<p>1,150 unborn babies in England were subject to a child protection plan at 31 March 2018. <i>DfE (2018a)</i></p>

<p>Race</p>	<ul style="list-style-type: none"> Professionals will be required (as outlined in the service specification) to work with interpreters where required to ensure all children and families understand the sample collection process, and the content of reports which reveal the results of any testing that takes place. 	<ul style="list-style-type: none"> The Forensic Testing Services Framework will have no negative impact on this characteristic. 	<p>Breakdown of children in England subject to child protection plans by ethnicity</p> <table border="1"> <thead> <tr> <th></th> <th>Number by known ethnicity</th> <th>% by known ethnicity</th> </tr> </thead> <tbody> <tr> <td>Total known ethnicity</td> <td>51,880</td> <td>100</td> </tr> <tr> <td>White</td> <td>39,910</td> <td>77</td> </tr> <tr> <td>Mixed</td> <td>4,830</td> <td>9</td> </tr> <tr> <td>Asian or Asian British</td> <td>3,360</td> <td>6</td> </tr> <tr> <td>Black or black British</td> <td>2,950</td> <td>6</td> </tr> <tr> <td>Other ethnic group</td> <td>840</td> <td>2</td> </tr> </tbody> </table> <p><i>DfE (2018a)</i></p> <p>Nationally, there has been no update to the ethnicity data collected in the 2011 Census. However, based on this, White and Asian/Asian British children seem to be underrepresented in child protection plans, whilst Black/Black British, Mixed and Other Ethnic Groups are overrepresented. <i>ONS, (2012)</i></p>		Number by known ethnicity	% by known ethnicity	Total known ethnicity	51,880	100	White	39,910	77	Mixed	4,830	9	Asian or Asian British	3,360	6	Black or black British	2,950	6	Other ethnic group	840	2
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<p>Religion and belief</p>	<ul style="list-style-type: none"> Providers are expected to be able to undertake testing using a variety of sample types – for example: hair, nail, blood, urine and saliva swabs. For those observing religious protocols, it is expected that providers will take all reasonable steps to collect a sample that is most appropriate and acceptable to the donor. 	<ul style="list-style-type: none"> Sikhs maintain uncut hair, which is one of the articles of faith, so they may object to hair follicle tests. People observing religious fasts may not be able to provide urine samples for testing without breaking their fast. 																						
<p>Sex</p>	<ul style="list-style-type: none"> There will be a strong focus on the safeguarding of vulnerable adults (e.g. 	<ul style="list-style-type: none"> No impact 	<p>Breakdown of children in England subject to child protection plans by gender</p> <table border="1"> <tbody> <tr> <td>Male</td> <td>27,160</td> </tr> </tbody> </table>	Male	27,160																			
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	victims of domestic violence, sexual or emotional abuse, who are more likely to be women) through the testing process as a result of robust monitoring arrangements.		<p>Female 25,410</p> <p>Missing/Indeterminate (inc. unborn children) 1,220</p> <p><i>DfE (2018a)</i></p> <p>Women are more likely to be victims of domestic, sexual and emotional abuse.</p> <p><i>DfE (2012)</i></p> <p>Mothers are more likely to be the parent involved in public law proceedings.</p> <p><i>DfE (2012)</i></p>
Sexual orientation	<ul style="list-style-type: none"> No impact 	<ul style="list-style-type: none"> No impact 	
Marriage and civil partnerships	<ul style="list-style-type: none"> No impact 	<ul style="list-style-type: none"> No impact 	
Carers (protected by association)	<ul style="list-style-type: none"> Ensuring testing is completed within a timescale could reduce anxiety and uncertainty associated with pre-proceedings and proceedings for carers. 	<ul style="list-style-type: none"> Timescales to complete tests may put carers of children with disabilities (including mental health issues) at a disadvantage, as research has shown that children and adults with disabilities may need longer to come to terms with proceedings. 	

7b. Impact of the proposals on staff with protected characteristics

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
Age	<ul style="list-style-type: none"> No impact 	<ul style="list-style-type: none"> No impact 	
Disability	<ul style="list-style-type: none"> No impact 	<ul style="list-style-type: none"> Negative impacts on Council workers are unlikely as a result of these proposals. The Council's anti-discriminatory policies ensure that employees, and potential employees, are not discriminated against – however, consideration may need to be given to members of staff with disabilities may need additional support to access mobilisation and briefing activities on any new processes that are established to support the delivery of the framework. 	
Gender reassignment	<ul style="list-style-type: none"> No impact 	<ul style="list-style-type: none"> No impact 	
Pregnancy and maternity	<ul style="list-style-type: none"> No impact 	<ul style="list-style-type: none"> Negative impacts on Council workers are unlikely as a result of these proposals. The Council's anti-discriminatory policies ensure that employees, and potential employees, are not discriminated against – 	

		however, consideration may need to be given to members of staff on maternity leave may miss mobilisation and briefing activities on any new processes that are established to support the delivery of the framework.	
Race	<ul style="list-style-type: none"> • No impact 	<ul style="list-style-type: none"> • No impact 	
Religion and belief	<ul style="list-style-type: none"> • No impact 	<ul style="list-style-type: none"> • No impact 	
Sex	<ul style="list-style-type: none"> • No impact 	<ul style="list-style-type: none"> • No impact 	
Sexual orientation	<ul style="list-style-type: none"> • No impact 	<ul style="list-style-type: none"> • No impact 	
Marriage and civil partnerships	<ul style="list-style-type: none"> • No impact 	<ul style="list-style-type: none"> • No impact 	
Carers (protected by association)	<ul style="list-style-type: none"> • No impact 	<ul style="list-style-type: none"> • No impact 	

8. Amendments to the proposals

Change	Reason for change
None identified yet	

9. Action plan

Potential impact (positive or negative)	Action needed to maximise positive impact or mitigate negative impact	By when	Owner
Potential positive impacts			
Children should be less likely to be exposed to continued risk, or experience the distress and anxiety associated with drift and delay during pre-proceedings and care proceedings.	1. Monitor whether providers are adhering to the required timescales.	Ongoing	Gateway Team
Anxiety and uncertainty associated with pre-proceedings and proceedings should be reduced.			
Delays to testing should be reduced, which will improve outcomes for expectant and new mothers by giving them the best chance to care for their baby.			
The safeguarding of children and vulnerable adults will be more robustly monitored.	2. Monitoring arrangements will focus on the providers' safeguarding policies and procedures	Ongoing	Gateway Team
Potential negative impacts			
Children, and children and adults with disabilities, may not have the capacity to fully understand the testing process, findings and implications.	3. Providers are required to ensure they communicate with children and families appropriately, and in a way that ensures understanding of the processes and content of tests and how they document their findings.	Ongoing	Providers Gateway Team Social Workers
	4. Providers are required to refer families to (ideally local) support, where necessary.		

	5. Social workers will be aware of the individual family's circumstances, and may need to provide additional support.		
Timescales to complete testing may put parents and children (and their carers) with disabilities (including mental health issues) at a disadvantage.	6. Monitor whether providers are adhering to the required timescales.	Ongoing	Gateway Team
Sikhs maintain uncut hair, which is one of the articles of faith, so they may object to hair follicle tests.	7. Providers are expected to be able to undertake testing using a variety of sample types – for example: hair, nail, blood, urine and saliva swabs. For those observing religious protocols, it is expected that providers will take all reasonable steps to collect a sample that is most appropriate and acceptable to the donor. This will be monitored by the Gateway Team and Social Workers.	Ongoing	Providers Gateway Team Social Workers
People observing religious fasts may not be able to provide urine samples for testing without breaking their fast.			
Members of staff with disabilities, and/or on maternity leave, may need additional support to access mobilisation and briefing activities on any new processes that are established to support the delivery of the framework.	8. Mobilisation plans will be developed with accessibility for all in mind, and team managers will be aware of the individual needs of staff in their team, and will make the required adjustments to ensure everyone has access to training or mobilisation events.	Ongoing	Team Managers Gateway Team

10. Potential negative impacts that cannot be mitigated

Potential negative impact	Protected characteristic(s) that could be affected
None identified	Not applicable

11. Summary of key impacts and actions

<p>Information and engagement underpinning equalities analysis</p>	<ul style="list-style-type: none"> • The Council has facilitated provider events to engage with organisations interesting in joining the Framework, and incorporate their feedback into the Service Specification. • A Project Group with officers from Child Protection and Proceedings Teams, Children’s Social Care and Wellbeing Commissioning, Procurement, Legal, and Corporate Finance, has been established and meets regularly. The group is responsible for helping to steer and advise the project team, for example providing service level input on expectations of providers to informing the contents of the service specification, performance monitoring schedule and pricing structures. • There has been limited direct engagement with children, young people (CYP) and families because it was not deemed appropriate to engage with CYP and families who are going through pre-proceedings or proceedings. Information was sought however, from the Quality and Experience team who shared results of previous engagement with families who have been through child protection and/or care proceedings. • Evidence and background information has been gathered from sources such as the Department for Education, ONS, the Children’s Commissioner and Surrey County Council (including Surrey-i).
<p>Key impacts (positive and/or negative) on people with protected characteristics</p>	<ul style="list-style-type: none"> • Through the use of a Framework, children and families should be less likely to be exposed to continued risk, or experience the distress and anxiety associated with drift and delay during pre-proceedings and care proceedings. The proposed Framework should help ensure that appropriate support can be put in place more quickly, leading to better outcomes for children. • Professionals will be required (as outlined in the service specification) to communicate with families (children and adults) in an appropriate manner to ensure they understand the processes relating to forensic testing. This includes working with an interpreter where required. • There will be a strong focus on the safeguarding of children and vulnerable adults through robust monitoring arrangements. • Ensuring assessments are completed within a timescale could reduce anxiety and uncertainty associated with pre-proceedings and proceedings. • Members of staff with disabilities, and/or on maternity leave, may need additional support to access mobilisation and briefing activities on any new processes that are established to support the delivery of the new Framework.

<p>Changes you have made to the proposal as a result of the EIA</p>	<p>None</p>
<p>Key mitigating actions planned to address any outstanding negative impacts</p>	<ul style="list-style-type: none"> • Providers are expected to be able to undertake testing using a variety of sample types – for example: hair, nail, blood, urine and saliva swabs. For those observing religious protocols, it is expected that providers will take all reasonable steps to collect a sample that is most appropriate and acceptable to the donor. This will be monitored by the Gateway Team and Social Workers. • Social workers will be aware of the individual family's circumstances and may need to provide additional support, including the use of translation services where necessary. • Mobilisation plans will be developed with accessibility for all in mind, and team managers will be aware of the individual needs of staff in their team, and will make the required adjustments to ensure everyone has access to training or mobilisation events. • Performance Monitoring / Contract Management activities will take place with providers on a quarterly basis. This will ensure that providers are safeguarding children and families appropriately, communicating with families in a manner that is appropriate, and conducting the relevant tests within specified timescales.
<p>Potential negative impacts that cannot be mitigated</p>	<p>None</p>