

Equality impact assessment form

People's Directorate

Children's Social Care

Permanence Policy

16.3.20

Andrew Kaiser/Judith Russ/J Barker/S Penrose

**Decision of Cabinet, Personnel Committee or Chief
Officer Group**

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Derby City Council



Equality impact assessment – please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have '**due regard**' to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a '**relevant protected characteristic**' and people who don't.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

The protected characteristics are:

- age
- disability
- gender identity
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- Make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and **send it to our Lead on Equality and Diversity for checking and to publish on our website**. It is a public document so must not contain any jargon and be easy to understand.

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

Equality groups and protected characteristics

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties, people living with autism and people with physical impairments
- Gender identity – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, Gypsies and Travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls
- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

Contact for help

Ann Webster – Lead on Equality and Diversity

ann.webster@derby.gov.uk

Tel 01332 643722 Minicom 01332 640666 Mobile 07812301144

The form

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt – it’s better and safer to do an Equality Impact Assessment than not to bother! You never know when we may get a legal challenge and someone applies for Judicial Review.

Permanence Policy

The assessment team

Team leader’s name and job title –

Other team members

| Name | Job title | Organisation | Area of expertise |
|----------------|------------------|---------------------------------------|--------------------------|
| Andrew Kaiser | HOS | Specialist Services | Children’s Services |
| Judith Russ | HOS | Children’s Social Care Safeguarding | Children’s Services |
| Johanna Barker | DHOS | Children In Care/Leaving Care Service | Children’s Services |
| Sally Penrose | HOS | Fostering | Children’s Services |

| Name | Job title | Organisation | Area of expertise |
|--------------|------------------|---------------------|--------------------------|
| Alison Birch | Team Manager | Policy and Insight | Performance and Data |

Steps 1 – setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

- 1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.**

The aim of the policy is to ensure that children for whom the Local Authority is responsible have safe and secure long term Foster Care placements that have been ratified by a panel who are reassured that placements are well matched, meet need and are sustainable throughout childhood.

The policy links directly to the Early Help and Children’s Social Care business plan for 2019-20 objectives contained below

| | | | |
|---|---|--|------------|
| 1 | Identify and meet needs to deliver improved outcomes | 1. Protecting vulnerable children, young people, adults and older people | Suanne Lim |
| 3 | Sustain capacity and build capability across the city | 6. Making the most of our assets | Suanne Lim |

It is then contained specifically in an action within that plan as below:

Complete a review of long-term permanence options for our looked after children including the publication and implementation of the Long Term Fostering Policy and extended family/kinship carers etc.

Links to the Council plan 2019-2023, are seen in the following areas of focus in the Council Plan:

Continued work with our partners to promote independence and keep vulnerable children and young people and adults in the city safe.

More fostering households in the city, supporting our looked after children to achieve the best outcomes possible.

This demonstrates the focus on ensuring good outcomes for looked after children in the city.

- 2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?

The policy will be delivered through Children’s Social Care Services, predominantly Social Care staff. There will be essential support from the Policy and Insight Team to provide the performance tracking and case identification elements, to ensure the policy is effectively implemented and we can track impacts.

There will also be support from the Panel Support Team in Corporate Services to ensure minute taking and distribution of these is completed efficiently.

There is overlap with the Fostering Service in Children’s Services, as the permanence panel will complement the existing fostering panel within DCC for ratification of permanent fostering placements (up until the age of 18) for internal DCC foster carers and Independent foster carers working through an agency respectively.

3 Who are the main customers, users, partners, employees or groups affected by this proposal?

Independent foster carers working through an agency, children and young people who are already placed in foster care and who we have assessed would benefit from permanent foster care (up to the age of 18).

Children who are placed with kinship carers and who might be suitable for a Special Guardianship Order.

Children who have been placed in foster care, have reached the age of 18 and are suitable for a Staying Put arrangement.

Social Worker who will have to ensure compliance with this policy.

Step 2 – collecting information and assessing impact

4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.

This is very much an essential operational policy that has to be implemented and is in place in other LA areas. It has been a recommendation from OFSTED to have this in place and will better rationalise and organise practice around fostering decisions making processes. It therefore did not require formal consultation. However, there has been consultation with staff, the fostering service and the commissioning team regarding this policy.

We have taken on board feedback, including ensuring that we have separate panels for internal fostering provision and external (IFA) and taken feedback from the commissioning service regarding approaching IFA carers as regards any potential move to become a DCC foster carer.

- 5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each protected characteristic group whether this is a negative or a positive impact. If it's negative, fill in the mitigation section as well to explain how you are going to lessen the impact.**

Age

| What do you already know? | Positive impact | Negative impact | Mitigation |
|---|------------------------|------------------------|-------------------|
| The main impact is on children who live in foster care, i.e. anyone under the age of 18, as the offer of permanent foster care means they will have a stable and permanent place to live up to the age of 18 provided by a carer who has been assessed as competent to deliver that level of | Yes | None | NA |

| What do you already know? | Positive impact | Negative impact | Mitigation |
|---|------------------------|------------------------|-------------------|
| <p>foster care and who has made that commitment to them.</p> <p>The other groups of children affected are those living in foster care and who have the option to have a Staying Put arrangement agreed. This would allow those aged 18 and who have been placed in a foster care placement to stay with that foster carer until the age of 21 to help the transition to adulthood.</p> <p>Children who are living with an existing foster carer or kinship carer (member of wider family group) can also benefit from this policy, as it allows approval of a Special Guardianship Order (SGO) support plan (SGO's have to be agreed at the Family Court) by the HOS, which again means a childhood long commitment to care for that child and provide a position of permanence and stability for them.</p> | | | |

Disability

| What do you already know? | Positive impact | Negative impact | Mitigation |
|---|-----------------|--------------------|------------|
| <p>Disabled children under 18 are often a challenge to secure early permanence through adoption, as the post adoption support from the Local Authority may be perceived as less accessible and not as great as for children who are placed in foster care. Therefore, this policy is likely to help disabled children find childhood long placements with carers with a suitable skill set to offer the care that is suitable and appropriate to meet the needs of that child.</p> <p>Similarly, Staying Put and SGO options are available to these groups of children, which offers permanence and options of support up to age 21 in the case of Staying Put arrangements.</p> <p>Carers are trained in equality and diversity to make sure that lack of understanding does not impact on the</p> | <p>Yes</p> | <p>None likely</p> | <p>NA</p> |

| What do you already know? | Positive impact | Negative impact | Mitigation |
|----------------------------------|------------------------|------------------------|-------------------|
| quality of care provided. | | | |

Gender identity- Trans

| What do you already know? | Positive impact | Negative impact | Mitigation |
|---|------------------------|------------------------|-------------------|
| <p>We know we have a small but growing number of children in care who identify as trans-gender or who are questioning their gender identity. This policy is only likely to have a positive impact, as it offers opportunities for all children in care (dependent upon their care plan) to have access to good permanence options either through permanent foster care, Staying Put or Special Guardianship Orders.</p> <p>Carers are trained in equality and diversity to make sure that lack of understanding does not impact on the quality of care provided. In addition support is available from our local Derbyshire LGBT+</p> | | | |

Marriage and Civil Partnership

| What do you already know? | Positive impact | Negative impact | Mitigation |
|----------------------------------|------------------------|------------------------|-------------------|
| NA | | | |

Pregnancy and maternity

| What do you already know? | Positive impact | Negative impact | Mitigation |
|--|------------------------|------------------------|-------------------|
| It is likely that we will work with a cohort of females who become pregnant whilst in Foster Care and this policy will ensure their needs are better met, as they will have the potential stability of a permanent placement until 18 and the possibility of a Staying Put arrangement post 18. This would however depend on any assessment of risk as regards the child and decisions made based on that assessment, which could include a placement move | Yes | | |

Race

| What do you already know? | Positive impact | Negative impact | Mitigation |
|---|------------------------|------------------------|-------------------|
| There are a number of minority ethnic children who are in care and this includes existing new communities that have lived in the UK for a number of years, children from families that live in the UK and | Yes | None | NA |

| | | | |
|--|--|--|--|
| <p>have arrived from the EEA, children who have been assessed as Unaccompanied Asylum Seeking Children. All of these groups would benefit from this policy, as again it offers permanency and a childhood long commitment to this by the carers.</p> <p>Whenever possible these children will be placed with carers who are a match in relation to race (along with other considerations around diversity) and this takes place regardless of this policy and is an established practice in fostering that is guided by Fostering Regulations.</p> <p>Where such a match is not possible, children will be placed with carers who are trained in equality and diversity to make sure that lack of understanding does not impact on the quality of care provided.</p> | | | |
|--|--|--|--|

Religion or belief or none

| What do you already know? | Positive impact | Negative impact | Mitigation |
|--|-----------------|-----------------|------------|
| There are a number of children of differing religions and faiths who | | | |

| | | | |
|---|--|--|--|
| <p>are children in care. All of these groups would benefit from this policy, as again it offers permanency and a childhood long commitment to this by the carers.</p> <p>Whenever possible these children will be placed with carers who are a match in relation to religion (along with other considerations around diversity) and this takes place regardless of this policy and is an established practice in fostering that is guided by Fostering Regulations.</p> <p>Where such a match is not possible, children will be placed with carers who are trained in equality and diversity to make sure awareness and that lack of understanding does not impact on the quality of care provided.</p> | | | |
|---|--|--|--|

Sex

| What do you already know? | Positive impact | Negative impact | Mitigation |
|---|-----------------|-----------------|------------|
| <p>There is a mix of children of different biological sexes in care.</p> <p>All of these groups would benefit from this</p> | | | |

| | | | |
|--|--|--|--|
| <p>policy, as again it offers permanency and a childhood long commitment to this by the carers.</p> <p>Whenever possible these children will be placed with carers who are a match in relation to all diversity considerations and this takes place regardless of this policy and is an established practice in fostering.</p> <p>Carers are trained in equality and diversity to make sure that lack of understanding does not impact on the quality of care provided.</p> | | | |
|--|--|--|--|

Sexual orientation

| What do you already know? | Positive impact | Negative impact | Mitigation |
|--|------------------------|------------------------|-------------------|
| <p>There are children with differing sexual orientations who are children in care. All of these groups would benefit from this policy, as again it offers permanency and a childhood long commitment to this by the carers.</p> <p>These children will be placed with carers who are trained in equality and diversity to make</p> | | | |

| | | | |
|---|--|--|--|
| <p>sure that lack of understanding does not impact on the quality of care provided.</p> <p>There is also support available from our local Derby LGBT+</p> | | | |
|---|--|--|--|

Important - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

6 From the information you have collected, how are you going to lessen any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?

This policy only positively impacts on all of the groups highlighted. The issue around impact for the groups highlighted relates to quality of match (between carer and young person) for any placement, whether this be with a kinship carer or foster carer and this is an issue for standard fostering practice, meaning that carers are equipped to meet the diverse needs of any child being placed with that carer and as such is dealt with outside of the remit of this policy through both Care Planning and Fostering Regulations. This policy is concerned with the ratification of permanent foster care, Special Guardianship and Staying Put arrangements but consideration will be given at Permanence Panel (where permanence decisions are ratified) on the quality of match in regards to need, risk and diversity.

Step 3 – deciding on the outcome

7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?

| | | |
|------------------|----------|--|
| Outcome 1 | X | No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken |
| Outcome 2 | | Adjust the policy to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified? |
| Outcome 3 | | Continue the policy despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> • sufficient plans to stop or minimise the negative impact • mitigating actions for any remaining negative impacts • Plans to monitor the actual impact. |
| Outcome 4 | | Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination |

Our Assessment team has agreed Outcome number 1

Yes, agreement from J Russ, J Barker on 10.1.20.

Why did you come to this decision?

Because the diversity aspects around fostering practice in relation to placement matching take place outside the remit of this policy through good Social Work practice and Care Planning/Fostering Regulations 2011 and the National Minimum Standards (NMS) 1-12, which are child focused and sit alongside Fostering Regulations, these frameworks ensure diverse needs can be met and this policy does not impact on that practice.

Fostering regulations and NMS are clear in regards to diversity and placement matching. The agreement of SGO arrangements allows young people to remain in the care of extended family members and meets diversity needs of young people and this policy supports this.

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

Step 4 – equality action plan – setting targets and monitoring

8 Fill in this table with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.

Equality Action Plan –setting targets and monitoring

Age

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| | | | |

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| | | | |
| | | | |

Disability

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| | | | |
| | | | |
| | | | |

Gender identity - Trans

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| | | | |
| | | | |
| | | | |

Marriage and Civil Partnership

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| | | | |
| | | | |
| | | | |

Pregnancy and maternity

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| | | | |
| | | | |
| | | | |

Race

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| | | | |
| | | | |
| | | | |

Religion or belief or none

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| | | | |
| | | | |

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| | | | |

Sex

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| | | | |
| | | | |
| | | | |

Sexual orientation

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| | | | |
| | | | |
| | | | |

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 643722
Minicom: 01332 640666

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

Prosimy o kontakt: **01332 643722** Tel. tekstowy: 01332 640666

Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ **01332 643722** ਮਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

Slovakian

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Skontaktujte nás prosím na tel.č: 01332 643722 Minicom 01332 640666

Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم **01332 643722** منی کام 01332 640666 پر ہم سے رابطہ کریں۔



Derby City Council