

EQUALITY IMPACT ASSESSMENT

The **Equality Act 2010** places a ‘**General Duty**’ on all public bodies to have ‘**due regard**’ to the need to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity for those with ‘protected characteristics’ and those without them
- Fostering good relations between those with ‘protected characteristics’ and those without them.

In addition, the Council complies with the Marriage (same sex couples) Act 2013.

Stage 1 – Screening

Please complete the equalities screening form. If screening identifies that your proposal is likely to impact on protected characteristics, please proceed to stage 2 and complete a full Equality Impact Assessment (EqIA).

Stage 2 – Full Equality Impact Assessment

An EqIA provides evidence for meeting the Council’s commitment to equality and the responsibilities under the Public Sector Equality Duty.

When an EqIA has been undertaken, it should be submitted as an attachment/appendix to the final decision making report. This is so the decision maker (e.g. Cabinet, Committee, senior leader) can use the EqIA to help inform their final decision. The EqIA once submitted will become a public document, published alongside the minutes and record of the decision.

Please read the Council’s Equality Impact Assessment Guidance before beginning the EqIA process.

1. Responsibility for the Equality Impact Assessment

Name of proposal	To ensure the way that Haringey Council means tests claimants (using the Department for Education’s Means Test Calculator) of Special Guardianship and Adoption Order allowances are reasonable and ensuring that adults caring for an eligible child has the correct level of allowance available to them after reasonable household and living costs are deducted from all sources of household income.
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Service area	CYPS
Officer completing assessment	Dominic Porter-Moore
Equalities/ HR Advisor	Nigel Wilson
Cabinet meeting date (if applicable)	
Director/Assistant Director	Sarah Alexander

2. Summary of the proposal

Please outline in no more than 3 paragraphs

- *The proposal which is being assessed*
- *The key stakeholders who may be affected by the policy or proposal*
- *The decision-making route being taken*

Proposal

The Council currently faces number of significant challenges in this area. A recent internal Council audit, February 2017, has identified that there are a number of pressing issues that must be addressed to ensure the Council is able to deliver consistently on its statutory responsibilities in this area. It was noted that the current process for applying financial assessment recommendations was not consistently applied or embedded across the service. The provision of support for this group would benefit from a clear policy and revised processes to ensure transparency and equitability for stakeholder.

Statutory Context

The provision of support for Adoption, Special Guardianships and Child Arrangement Orders is set within a legal framework: The Adoption and Children Act 2002. In accordance with the Act, Local Authorities have a duty to assess the support needs of adopters, special guardians and CAO arrangements.

The Department of Education (DFE) has set out within statutory guidance the provision of support for these groups, through the use of a DfE Standardised Means Test tool which will enable consistent application of financial testing against parameters and ensure transparency and equitability for affected groups. It is proposed that the local authority follow this statutory guidance and within the service, establishes the processes and procedures required to deliver this.

Area of responsibility

- The Council is required to make arrangements for the provision of special guardianship support services within Haringey.
- Financial support is one type of special guardianship support services. The regulations set out limitations on the types of financial support that the Council may be obliged to pay and when financial support is payable.
- The statutory framework specifies the circumstances in which the Council may carry out an assessment of a person's need for services and in which the Council must

do so. If the Council carries out an assessment and finds a need for services, the Council must decide whether or not to provide those services.

- The regulations specify a limited range of circumstances in which the Council's obligations may extend to persons outside of Haringey. This covers relevant children who are looked after by the Council, or who were looked after by the Council immediately before the making of a special guardianship order.
- The Council will usually only pay special guardianship allowances in respect of children for who it has responsibility under the statutory framework and, to the extent that the Council has discretion to make such payments in respect of other children, it will generally exercise its discretion against such payments. This reflects the limited resources available to the Council.

Key Stakeholders

- All current Adopters, Special Guardians and holders of Children Arrangement Orders (CAO) in receipt of financial support. This group of stakeholders are already accessing support and this proposal will not affect the current provision.
- All future Adopters, Special Guardians and CAO's will also be subject to the adopted Statutory Policy guidance.
- All former looked after children up to their 18th Birthday in adoption/special guardianship placements, where support provision is being accessed.

Decision-Making Route

It is proposed that a decision on implementation would be made via a Lead Member signing, subject to an options paper and EqIA.

3. What data will you use to inform your assessment of the impact of the proposal on protected groups of service users and/or staff?

Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis. Please include any gaps and how you will address these

This could include, for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national. For restructures, please complete the restructure EqIA which is available on the HR pages.

Protected group	Service users	Staff
Sex	n/a	n/a
Gender Reassignment	n/a	n/a
Age	<ul style="list-style-type: none"> • Monthly performance management data will provide information relating to the ages of C&YP currently in these arrangements. • Management reports also provide the age of special guardians/adopters so that we are able to understand the demographic profile of this cohort. • Complaint activity by parents, foster carers & advocates on behalf of Looked after Children. • Care plans and permanency planning in statutory reviews and care proceedings. • Consultation with older looked after children 	n/a
Disability	<ul style="list-style-type: none"> • Monthly performance management data will provide information relating to the race and ethnicity of C&YP currently 	n/a

	<p>in these arrangements.</p> <ul style="list-style-type: none"> • There is little data about the disability status of the carers entered into SG/Adoption arrangements, however looking at the types of benefits they are claiming may provide insight into their needs. • Complaint activity by parents, foster carers & advocates on behalf of Looked after Children 	
Race & Ethnicity	<ul style="list-style-type: none"> • Monthly performance management data will provide information relating to the race and ethnicity and gender of C&YP currently in these arrangements. • Management reports also provide the race and ethnicity and gender of special guardians/adopters so that we are able to understand the demographic profile of this cohort. 	n/a
Sexual Orientation	Information not held in this context, however the policy is not thought to disproportionately affect this protected group.	n/a
Religion or Belief (or No Belief)	Information not held in this context, however the policy is not thought to disproportionately affect this protected group.	n/a
Pregnancy & Maternity	Information not held in this context, however the policy is not thought to disproportionately affect this protected group.	n/a
Marriage and Civil	Information not held in this	n/a

Partnership	context, however the policy is not thought to disproportionately affect this protected group.	
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Outline the key findings of your data analysis. Which groups are disproportionately affected by the proposal? How does this compare with the impact on wider service users and/or the borough's demographic profile? Have any inequalities been identified?

Explain how you will overcome this within the proposal.

Further information on how to do data analysis can be found in the guidance.

Analysis of broad spectrum looked after children data does not indicate that protected groups would be disadvantaged by this proposal any more or less than other looked after children.

Age – The statutory guidance set out clearly that it is only children between the ages of 0-18 years who could be considered eligible for an allowance. As the child increases in age the basic fostering reward and SG weekly allowance increases at key age points. It is possible that some households of children will receive less of an allowance because the parents/guardians have more disposable income.

Disability - Currently children who receive Disability Living Allowance do not have this sum of money included within the overall household income. Disability Living Allowance will be disregarded for the purpose of the assessment, this means that no child's needs, as a direct result of disability, will be unmet as the child will continue to receive DLA for those specific needs.

Race & Ethnicity - The process for means testing claimants of allowances does not make any distinctions regarding race and is focused only on financial resources available to the household. Each child is considered in the context of their family so if they reside in a larger family due to cultural traditions/beliefs there is no difference in the financial calculation of the allowance. If they reside in a family where income is derived from sole trading or small businesses the same financial evidence is requested regardless of race and there are no exemptions due to the ethnicity of the claimant.

Sexual Orientation - All claimants of allowances are means tested against available household income and no distinction is drawn regarding their sexual orientation.

Religion or Belief (or No Belief) - Claimants are only asked to provide financial evidence and personal beliefs/religion or expenditure linked to these is not considered as a necessary expenditure. This is not a change to the current process of and ensures there is a fair approach to the means test and does not penalize those of any faiths.

Pregnancy & Maternity – N/A

Marriage and Civil Partnership – N/A

4. a) How will consultation and/or engagement inform your assessment of the impact of the proposal on protected groups of residents, service users and/or staff?

Please outline which groups you may target and how you will have targeted them

Further information on consultation is contained within accompanying EqIA guidance

It is proposed that the policy will not be applied with the new rates to the current cohort of SG/Adopters as the majority of arrangements have been formally agreed via court order. The Council is maintaining its current allowance rates. In effect the proposal would reiterate the national guidance around annual financial assessment, requiring that the current cohort is subject to an annual review as set out by the DfE.

The service will communicate by letter to all current SG/Adopters in receipt of support to advise them of the annual review arrangements and its requirements.

It is possible that those who are caring for a child with a disability would be communicated with in more detail about the discretionary element of the policy and how it might be applied, to ensure that any disproportionate impact would be mitigated.

4. b) Outline the key findings of your consultation / engagement activities once completed, particularly in terms of how this relates to groups that share the protected characteristics

Explain how will the consultation's findings will shape and inform your proposal and the decision making process, and any modifications made?

It is recommended that the Council does NOT initiate a formal consultation on reviewing its current fostering reward and Special Guardian allowance rates with a view to reduce the rates that is in line with the national minimum fostering allowance. It is to maintain current allowance rates for Special Guardians and Foster Carers in common with the North London Fostering & Adoption Consortium average rates. This is to allow the Council to apply a systematic and robust approach to ensuring it all historical decisions concerning allowance payments are reviewed to ensure carers are being paid the correct weekly allowance.

5. What is the likely impact of the proposal on groups of service users and/or staff that share the protected characteristics?

Please explain the likely differential impact on each of the 9 equality strands, whether positive or negative. Where it is anticipated there will be no impact from the proposal, please outline the evidence that supports this conclusion.

Further information on assessing impact on different groups is contained within accompanying EqIA guidance

1. Sex *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

It is anticipated that there will be a neutral impact related to this characteristic. The sex of a child of carer is not a determination in adoption, special guardianship or CAO applications

Positive		Negative		Neutral impact	X	Unknown Impact	
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2. Gender reassignment *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

There will be no reduction in allowances and therefore there will not be an impact on looked after children with this characteristic.

Positive		Negative		Neutral impact	X	Unknown Impact	
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3. Age *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

This may have an impact on older looked after children as the current allowances are higher for older children which may be a limited feature in the decision by foster carers to adopt or become a Special Guardian.

Positive		Negative	X	Neutral impact		Unknown Impact	
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4. Disability *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Currently there is no Haringey policy or protocol on additional payments for children with

exceptional needs. Currently decisions are made on a case by case basis depending on the needs of the child. Financial support is offered so this is not an impediment to adoption, special guardianship or Children Arrangements Order. It is not thought that there will be a negative impact on children with this characteristic.

Positive		Negative		Neutral impact	X	Unknown Impact	
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5. Race and ethnicity *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Children from range of ethnicities are adopted, made subject to a Special Guardianship or Children Arrangements Order. It is not thought that a reduction in allowances would impact negatively because of a child's ethnicity

Positive		Negative		Neutral impact	X	Unknown Impact	
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6. Sexual orientation *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Experience indicates that usually older children and adolescents identify their sexual orientation at an age where adoption or special guardianship is unlikely. It is difficult to evidence whether a reduction in allowances would impact negatively on a looked after child because of their sexual orientation.

Positive		Negative		Neutral impact		Unknown Impact	X
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7. Religion or belief (or no belief) *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

There is no evidence that a possible reduction of allowances would prevent a child with a religious faith or none from being adopted or made subject to an SGO.

Positive		Negative		Neutral impact		Unknown Impact	X
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8. Pregnancy and maternity *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

There may a negative impact if a foster carer is considering seeking an SGO on the pregnant looked after child if allowances are reduced. However, the Dept would assess what was in the young person's best interests and would support a permanency option if

available.

Positive		Negative		Neutral impact		Unknown Impact	X
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9. Marriage and Civil Partnership (*Consideration is only needed to ensure there is no discrimination between people in a marriage and people in a civil partnership*)

N/A

Positive		Negative		Neutral impact		Unknown Impact	X
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10. Groups that cross two or more equality strands e.g. young black women

It is not thought likely that a Looked after Child with two or more protected characteristics such as gender or ethnicity would be negatively impacted however, this may impact on a child who also has a disability. Individual child with two or more protected characteristics will be reviewed to ensure they are not disadvantaged in permanency planning.

Outline the overall impact of the policy for the Public Sector Equality Duty:

- **Could the proposal result in any direct/indirect discrimination for any group that shares the protected characteristics?**
- **Will the proposal help to advance equality of opportunity between groups who share a protected characteristic and those who do not?**
This includes:
 - a) **Remove or minimise disadvantage suffered by persons protected under the Equality Act**
 - b) **Take steps to meet the needs of persons protected under the Equality Act that are different from the needs of other groups**
 - c) **Encourage persons protected under the Equality Act to participate in public life or in any other activity in which participation by such persons is disproportionately low**
- **Will the proposal help to foster good relations between groups who share a protected characteristic and those who do not?**

There may be a risk that carers of looked after children with a protective characteristic may choose to remain as foster carers rather than to choose to become an adopter, Special Guardians or holders of a CAO due to concerns about an annual means test and the impact of allowances being reduced after 3-year transition period.

There is an emerging trend unconnected to the draft proposal to reduce allowances to adopters & special guardians, that foster carers have expressed concern about the withdrawal of Departmental support [both social work and financial support] if a looked after child ceases to be looked after.

Foster Carer motivations are complex often driven by altruism and a sense of public

service however, for many, the professional fee is also a source of income. Local Authorities often expect foster carers not to be in other paid employment so they can retain the primary focus on the looked after child in their care.

6. a) What changes if any do you plan to make to your proposal as a result of the Equality Impact Assessment?

Further information on responding to identified impacts is contained within accompanying EqIA guidance

Outcome	Y/N
No major change to the proposal: The EqIA demonstrates the proposal is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken. <u>If you have found any inequalities or negative impacts that you are unable to mitigate, please provide a compelling reason below why you are unable to mitigate them.</u>	Y
Adjust the proposal: The EqIA identifies potential problems or missed opportunities. Adjust the proposal to remove barriers or better promote equality. Clearly <u>set out below</u> the key adjustments you plan to make to the policy. If there are any adverse impacts you cannot mitigate, please provide a compelling reason below	Y
Stop and remove the proposal: the proposal shows actual or potential avoidable adverse impacts on different protected characteristics. The decision maker must not make this decision.	Y

6 b) Summarise the specific actions you plan to take to remove or mitigate any actual or potential negative impact and to further the aims of the Equality Duty

Impact and which protected characteristics are impacted?	Action	Lead officer	Timescale
There is a risk that foster carers may hesitate to adopt a child or become special guardians when in other circumstances they would offer a looked after child the opportunity to become a permanent member of their family.	Additional protocol for harder to place or disabled children may be required to ensure they are not denied the opportunity for a permanency outcome of either adoption or special guardianship or Children Arrangements Order.	Service Manager, Fostering & Adoption Service	30.9.2017
Review of allowances: a) Allowances made prior to 2017. b) The Policy on	a) The Dept needs to determine whether historical decisions on allowances will	Director of CSC, Assistant Director – safeguarding & Support Shouldn't this be HOS with a	asap

allowances has incorporated an annual review of allowances which will incorporate any change in the circumstances of the child or adopter/guardian	be reviewed & what resources are directed to this task. b) Annual reviews to be undertaken.	recommendation to DCS?	
Monitoring of impact	Impact will be measured by feedback from Social Workers, Independent Reviewing Officers, and advocates and looked after children and complaints. Performance data will also be a source of measurement	Service Manager, Fostering & Adoption Service	Monthly review
Appeals Process	The policy provides for a review/appeal of any decision making on allowances to the Assistant Director Safeguarding & Support	Assistant Director, Safeguarding & Support	As & when

Please outline any areas you have identified where negative impacts will happen as a result of the proposal but it is not possible to mitigate them. Please provide a complete and honest justification on why it is not possible to mitigate them.

There is a risk that Foster Carers and Connected Persons Foster Carers will not seek to adopt or become Special Guardians if allowances risk being withdrawn or reduced in the future. For most foster carers the professional fee is a significant source of income. If this risk remains, then there is no incentive for them to convert to become adopters or Special Guardians and a child will remain looked after.

There is an additional risk in seeking to reduce or limit historical agreements may increase the statutory complaints process through Stage 1, Stage 2 up to the Local Government Ombudsman investigations. This would potentially cause additional avoidable cost in officer time in responding to complaints and the fees paid to independent complaints investigators. The other financial risk comes from the threat of a judicial review by a former foster carer.

Due to historical inconsistent payment decision, expectations may have been raised around the levels of allowance rates available. The proposal going forward to review and apply the Policy and Means Test to all existing cohort of SG, may result complaints, Stage 1 and Stage 2 complaints. The council has put forward procedure to mitigate and manage expectations in the Cabinet report.

6 c) Summarise the measures you intend to put in place to monitor the equalities

impact of the proposal as it is implemented:

- Ensure that data relating to the number of SG/Adoptions is reviewed post-policy implementation to ensure that there have been no unintended consequences for specific groups such as former looked after children or the Looked after Children population more broadly.
- Use of informal/formal feedback from staff and foster carers.
- Analysis of the complaints process at Stage 1

7. Authorisation

EqlA approved by (Assistant Director/ Director)	Date
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8. Publication

Please ensure the completed EqlA is published in accordance with the Council's policy.

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Please contact the Policy & Strategy Team for any feedback on the EqlA process.