



North

Yorkshire County Council

Equality Impact Assessment (EIA): evidencing paying due regard to protected characteristics

Foster Carer Framework Phase 2
Oct 2015

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যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔



Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Children & Young People's Service - NYCC
Lead Officer and contact details	Alan Tucker, Placement & Fostering Manager
Names and roles of other people involved in carrying out the EIA	Karl Podmore, Principal Disabled Children's Services Officer Naomi Smith, 2020 Project Manager David Walker, CYPS Equalities Lead
How will you pay due regard? e.g. working group, individual officer	Through engagement events and a consultation process and via the Children and Families 2020 Programme Board
When did the due regard process start?	From the start of Phase 2 of the project in June 2015 (note: separate Equalities Impact Assessment undertaken for Phase 1, Dec 2014)
Sign off by Assistant Director (or equivalent) and date	Judith Hay [Redacted Signature] 12.11.15

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

Purpose

This Equality Impact Assessment has been developed in respect of proposals from the Fostering Service to integrate the requirements of Short Breaks and Contract Care for disabled children into the NYCC Fostering Framework¹. This is to support a key component of the North Yorkshire County Council's Strategy for Supporting Disabled Children, Young People and their Families, 2015-2018² which the Fostering Service have been commissioned to deliver, namely to be able to offer a greater percentage of short breaks for disabled children via a family setting.

Background

2 years ago short breaks and contract carers recruited by Barnardos (mainly in the West of the county) transferred into the Fostering North Yorkshire Service. Since that time other Short Breaks Carers have been directly recruited by Fostering North Yorkshire. More recently (in June 2015) short breaks and contract carers recruited by Action for Children (in the East of the county) have now also transferred into the Fostering North Yorkshire Service. These services were brought in-house in order to gain efficiencies of scale and to integrate them with the Fostering North Yorkshire Service.

With all the Short Breaks and Contract Carers transferred into Fostering North Yorkshire we now need to ensure that the NYCC Fostering Framework becomes fully inclusive and

¹ The NYCC Fostering Framework contains information with respect to: basic context of the service; skills required of carers; allowances and fees; training and on-going personal development. The framework introduced four categories of fostering, namely: Pre-Accredited (Connected People/Family and Friends Carers); Accredited (formerly called Mainstream Foster Carers); Advanced (a new category of Foster Carers); Specialist (continues as an existing category of Foster Carers)

² The North Yorkshire County Council SEND Strategy was publicly consulted upon in early 2015, and formally approved by the full Executive on 26 May 2015. An EIA was undertaken as part of this work (available on request). Of particular relevance to this project is Focus Area 5 within the strategy, "Enhancing local provision by providing more family based short breaks".

accurately includes the work of Short Breaks and Contract Carers with disabled children. This will be achieved through “Phase 2” of the Foster Carer Framework project, building on phase 1 (the design of the new NYCC Fostering Framework) which was implemented in April 2015. A separate Equality Impact Assessment was undertaken for phase 1 (available on request). At the moment, the Carers that have transferred in to Fostering North Yorkshire are still being paid on the former Barnardos and Action for Children payment schedules.

Section 2. Why is this being proposed? (e.g. to save money, meet increased demand, do things in a better way.)

The assimilation of Short Breaks and Contract Care for disabled children into the NYCC Fostering Framework is being proposed for a number of reasons:

- To better position Fostering North Yorkshire to offer a greater percentage of short breaks for disabled children via a family setting, thereby contributing to the delivery of a key component of the County Council’s SEND Strategy. Family based short breaks for disabled children potentially offer the children a more personalised and family friendly experience, which is more likely to provide greater continuity of environment / setting than some alternatives (such as residential centres). A needs analysis undertaken by the Disabled Children’s Service in September 2015 has indicated that there are 19 children currently waiting for a short break/contract care placement, and a further 39 children under the age of 16 who currently access other short breaks/contract care provision, but who could potentially move into a fostering placement if available. The assimilation of short breaks and contract care to the Fostering Framework will enable Fostering North Yorkshire to better recruit and support these carers in order to meet the demand from the Disabled Children’s Service.
- To ensure that payments made to short breaks and contract carers are consistent across the County³
- To ensure that the Fostering Framework appropriately recognises, reflects and rewards the specific skills required to care for disabled children in Short Break and Contract Care settings, and that training is tailored to the required skill set
- To extend the benefits of the NYCC Fostering Framework to the provision of short breaks and contract care. These benefits include:
 - progression route for carers⁴,
 - skills and knowledge development through mandatory training, leading to better quality of provision and better support to equip carers to undertake their roles
 - development of an integrated and inclusive service which best meets the needs of children and young people and offers equality of placement

³ At the moment, the Carers that have transferred in to Fostering North Yorkshire are still being paid on the former Barnardos and Action for Children rates.

⁴ This has the potential to attract some existing accredited, advanced or specialist foster carers to consider offering short breaks / contract care placements for disabled children, which would increase the availability of placements

- To ensure that the provision of short breaks and contract care through Fostering North Yorkshire is both sustainable based on predicted demand, and attractive to existing and prospective carers (without causing detriment to existing carers)

Section 3. What will change? What will be different for customers and/or staff?

The proposals under the Foster Carer Framework Phase 2 project will, if implemented (subject to consultation and approval), bring about a number of changes to different client/staff groups, as follows:

Anticipated impact on Current Short Breaks / Contract Carers

Short Breaks and Contract Carers are likely to experience a number of changes as a result of the proposals to assimilate their work into the Fostering Framework. These include:

- Changes to Payment Schedule: financial modelling has confirmed that there will not be any financial detriment to Short Break or Contract Carers
- Training – as with “traditional” foster carers with looked after children, it is proposed that short breaks and contract carers would have access to discretionary training and be expected to complete mandatory training through the framework, in order to maintain the highest quality of provision for our customers. This is expected to be of benefit to carers, who will be appropriately trained and equipped to fulfil their roles effectively.

It should be noted that the allocation of Fostering Social Workers to short breaks and contract carers will not be affected by the Fostering Framework proposals. In this respect, Fostering Social Workers play an important role in mitigating any adverse impacts or uncertainties through this process, by providing continuity of support, contributing to annual reviews and being approachable first points of contact for carers with the service.

As part of the proposals under this project, the Fostering North Yorkshire service has engaged with short breaks and contract carers to seek their views on how best to ensure that the NYCC Fostering Framework becomes fully inclusive and accurately includes the work of Short Breaks and Contract Carers with disabled children. The engagement events covered discussion about potential impact on equality, and carers’ views have been factored into this assessment. Short breaks and contract carers will also be formally consulted as part of this project, and the Equality Impact Assessment will form part of this consultation.

Anticipated impact on customers (disabled children, young people and their families)

As outlined in North Yorkshire County Council’s Strategy for Supporting Disabled Children, Young People and their Families, 2015-2018⁵, the current position is that “many families of disabled children and young people face limited choice in the type of overnight care service which they can access. Although family based care is available, for many the offer is limited to residential short breaks in Children’s Resource Centres”.

⁵ The full strategy, including Equality Impact Assessment and summary of consultation responses, can be found here: <http://democracy.northyorks.gov.uk/committees.aspx?commid=18&meetid=2122>

The public consultation on this strategy found that 52% of respondents agreed or strongly agreed with the proposal that the Council should increase the number of foster carers able to offer overnight short breaks, 14% disagreed or strongly disagreed with the proposal and 33% had no fixed view (neither agree nor disagree). Other feedback / comments from the consultation relating to the provision of short breaks / contract care fostering included:

- The need to ensure that sufficient good quality, well trained foster carers are in place before making changes to other similar provision.
- Specialist training for foster carers is needed for children and young people with complex needs and challenging behaviour.
- It is better to send children to a family if they can.

As part of the consultation activity, a number of young people from the “Flying High” group were consulted, along with members of a number of different schools. In terms of the provision of short breaks in Children’s Resource Centres (CRCs) versus in family settings (e.g. foster care), not many of the young people had experienced staying in a CRC. However overall, the limited number of young people that we spoke to who had experience of CRC’s and family short breaks, preferred the family short break. For those young people (who had never experienced respite) their choices were based on their own feelings. They said that they thought they would prefer to stay in a family setting. They felt it would be more personal and that they would get more individual attention. It should be noted that there were also examples of young people not enjoying their family short break, and those who enjoyed staying at CRCs.

In light of this, it is anticipated that the proposed change outlined here, which is to be implemented via the assimilation of short breaks and contract care to the Council’s Fostering Framework, will be of benefit to many disabled children, young people and their families. Family based short breaks for disabled children potentially offer the children a more personalised and family friendly experience, which is more likely to provide greater continuity of environment / setting than some alternatives (such as residential centres). A needs analysis undertaken by the Disabled Children’s Service in September 2015 has indicated that there are 19 children currently waiting for a short break/contract care placement, and a further 39 children under the age of 16 who currently access other short breaks/ contract care provision, but who could potentially move into a fostering placement if available. The assimilation of short breaks and contract care to the Fostering Framework, enabling Fostering North Yorkshire to better recruit and support these carers in order to meet the demand, is therefore expected to be of benefit to customers.

In terms of the provisions included within the framework itself, it is expected that these proposals will also be of benefit to customers, for example through ensuring that short breaks and contract carers undertake the appropriate mandatory and discretionary training in order to maintain the highest quality of placements for customers.

It should be noted that whilst the new strategy for the SEND Service is to “promote family based overnight opportunities as the preferred option, where this would meet assessed need, either through domiciliary care or with foster carers”, parental choice and the views of the young person will remain important considerations in the assessment and care planning process.

No anticipated impact on existing “traditional” Foster Carers

It is not anticipated that the proposals under phase 2 of the Foster Carer Framework will have an impact on those existing carers who provide traditional foster placements for looked after children at any of the four levels (pre-accredited, accredited, specialist or advanced) in accordance with the existing Fostering Framework. Any additions to the framework which are required in order to reflect and recognise specific skills or provisions required for short breaks or contract care will be designated as such within the revised framework. For this reason, it is not proposed to consult with “traditional” foster carers as part of phase 2 of the project. However, it should be noted that this cohort of carers will be involved in the Post-Implementation Review of the Fostering Framework Phase 1. In addition, there are a small number Specialist Foster Carers who are caring for disabled children full-time (as looked after children), and their knowledge and experience will also be drawn upon as the phase 2 framework proposals are developed.

No anticipated impact on staff

In May 2015, proposals to restructure the Fostering Service into a fully integrated model were brought forward for staff consultation. These proposals were subject to a separate EIA (available on request) and were implemented on 5th October 2015. In summary, the Fostering Service now comprises two locality fostering teams (previously 3) and a new team to oversee key functions such as marketing, recruitment and assessment of foster carers, achieving structural integration of the support provided to accredited, advanced, specialist and short break/contract carers. This restructure was carried out in anticipation of the assimilation of short breaks and contract carers to the Fostering Framework through Phase 2 of this project, and in light of this, associated staff impacts of this work have already been assessed through the EIA which was undertaken for the Fostering Restructure project. This EIA identified that there would not be any adverse impact against protected characteristics.

Section 4. What impact will this proposal have on council resources (budgets)?

Cost neutral?
Increased cost?
Reduced cost? Y

When viewed across the whole of CYPS then the unit cost of providing short breaks for disabled children will reduce.

Section 5. Will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? State any evidence you have for your thinking.
Age		X		<u>Customers:</u> It is anticipated that the proposals will have a positive impact on children and young people needing a short break / contract care placement, as there will be a better choice and consistent quality of placements (as outlined in section 3 above). Short break and contract care placements organised by the Children and Young People’s Services

			Directorate are only provided for those disabled children and young people under the age of 18 and their families who are assessed as needing this provision. This age restriction will not be changed through the framework. Those over 18 with assessed needs are provided for by the Transitions Service and Health & Adult Services.
	X		<u>Short breaks / contract carers:</u> No change of impact related to age is anticipated as a result of the proposals, as the provisions in the proposed revised framework are not dependent on the age of the short breaks / contract carer. Foster carers undertake an assessment to be suitable to care based on a number of factors set out in regulations, national standards and statutory guidance. The fostering service is aware of the demographic of each approved foster carer. All foster carers are reviewed at least annually to consider on-going approval and suitability to continue.
Disability		X	<u>Customers:</u> children and young people with disabilities (and their families) are the prime customer group affected by this project, and it is anticipated that the proposed changes will have a positive impact by facilitating the move to offering a greater percentage of family based short breaks for disabled children. Family based short breaks for disabled children potentially offer the children a more personalised and family friendly experience, which is more likely to provide greater continuity of environment / setting than some alternatives (such as residential centres). The EIA for the DCS strategy identified in respect of the provision of Overnight short breaks to meet assessed needs that 'for approximately 40 disabled children and young people and their families this would represent an improvement in provision. Where appropriate to need, it will be made more locally in family based situations whereas currently some families requiring an overnight short break do not have this option and have to use a children's resource centre.'
	X		<u>Short breaks / contract carers:</u> No change of impact related to disability in respect of carers is anticipated as a result of the proposals, as the provisions in the proposed revised framework are not dependent on whether short breaks / contract carers have a disability. Foster carers undertake an assessment to be suitable to care based on a number of factors set out in regulations, national standards and statutory guidance. The fostering service is

				<p>aware of the demographic of each approved foster carer and some foster carers have a disability. All foster carers are reviewed at least annually to consider on-going approval and suitability to continue. Foster carers are not termed as employees. As an organisation NYCC must continue to meet the requirements of the Equality Act 2010 which obligates us to make reasonable adjustments to accommodate disabled individuals as employees or service users. Foster carers homes are assessed as part of their suitability and can be considered for adaptations if/when considering taking a looked after child with physical needs. Foster caring is not a protected characteristic and individuals would need to demonstrate they are able to meet the needs of children.</p>
Sex (Gender)	X			<p><u>Customers:</u> The provision of short breaks / contract care is based on assessed need and individual circumstance. Access to the provision of short breaks and contract care for customers will be applied on this basis, and customers of all genders will benefit from the anticipated positive impacts outlined in section 3.</p>
	X			<p><u>Short breaks / contract carers:</u> No change of impact related to gender is anticipated as a result of the proposals, as the provisions in the proposed revised framework are not dependent on the gender of the short breaks / contract carer. Foster carers undertake an assessment to be suitable to care based on a number of factors set out in regulations, national standards and statutory guidance. The fostering service is aware of the demographic of each approved foster carer. All foster carers are reviewed at least annually to consider on-going approval and suitability to continue.</p>
Race	X			<p><u>Customers:</u> The provision of short breaks / contract care is based on assessed need and individual circumstance. Access to the provision of short breaks and contract care for customers will be applied on this basis, and customers of all races will benefit from the anticipated positive impacts outlined in section 3. Fostering placements will be sensitive to the cultural needs of the child, as identified and addressed through the assessment and placement finding process.</p>
	X			<p><u>Short breaks / contract carers:</u> No change of impact related to race is anticipated as a result of the proposals, as the provisions in the proposed revised framework are not dependent on the race of the short breaks / contract carer. Foster carers undertake an assessment to be</p>

				suitable to care based on a number of factors set out in regulations, national standards and statutory guidance. Where necessary, targeted recruitment will be undertaken to meet the specific needs of children based upon race. All foster carers are reviewed at least annually to consider on-going approval and suitability to continue.
Gender reassignment	X			<u>Customers:</u> The provision of short breaks / contract care is based on assessed need and individual circumstance. Access to the provision of short breaks and contract care for customers will be applied on this basis, and customers of all genders will benefit from the anticipated positive impacts outlined in section 3.
	X			<u>Short breaks / contract carers:</u> No change of impact related to gender reassignment is anticipated as a result of the proposals, as the provisions in the proposed revised framework are not dependent on the gender of the short breaks / contract carer. Foster carers undertake an assessment to be suitable to care based on a number of factors set out in regulations, national standards and statutory guidance. The fostering service is aware of the demographic of each approved foster carer and has experience of working with people who wish to gender reassign. All foster carers are reviewed at least annually to consider on-going approval and suitability to continue.
Sexual orientation	X			<u>Customers:</u> The provision of short breaks / contract care is based on assessed need and individual circumstance. Access to the provision of short breaks and contract care for customers will be applied on this basis, and customers of all sexual orientations will benefit from the anticipated positive impacts outlined in section 3.
	X			<u>Short breaks / contract carers:</u> No change of impact related to sexual orientation is anticipated as a result of the proposals, as the provisions in the proposed revised framework are not dependent on the sexual orientation of the short breaks / contract carer. Foster carers undertake an assessment to be suitable to care based on a number of factors set out in regulations, national standards and statutory guidance. The fostering service is aware of the demographic of each approved foster carer and has works with several gay carers. All foster carers are reviewed at least annually to consider on-going approval and suitability to continue.

Religion or belief	X			<u>Customers:</u> The provision of short breaks / contract care is based on assessed need and individual circumstance. Access to the provision of short breaks and contract care for customers will be applied on this basis and customers of all religions will benefit from the anticipated positive impacts outlined in section 3. Fostering placements will be sensitive to the cultural needs of the child, as identified and addressed through the assessment, placement finding and short break care planning processes.
	X			<u>Short breaks / contract carers:</u> No change of impact related to religion/belief is anticipated as a result of the proposals, as the provisions in the proposed revised framework are not dependent on the religion of the short breaks / contract carer. Foster carers undertake an assessment to be suitable to care based on a number of factors set out in regulations, national standards and statutory guidance. The fostering service is aware of the demographic of each approved foster carer. Upholding the religious practice of the birth family of a child/young person receiving short breaks is managed by the short break care planning process. All foster carers are reviewed at least annually to consider on-going approval and suitability to continue.
Pregnancy or maternity	X			<u>Customers:</u> The provision of short breaks / contract care is based on assessed need and individual circumstance. Access to the provision of short breaks and contract care for customers will be applied on this basis, and customers will benefit from the anticipated positive impacts outlined in section 3, regardless of whether they are pregnant or have recently given birth.
	X			<u>Short breaks / contract carers:</u> No change in impact related to pregnancy / maternity is anticipated as a result of the proposals, as the provisions in the proposed revised framework are not dependent on whether short breaks / contract carers are pregnant or have recently given birth. Foster carers undertake an assessment to be suitable to care based on a number of factors set out in regulations, national standards and statutory guidance. The fostering service is aware of the demographic of each approved foster carer. All foster carers are reviewed at least annually to consider on-going approval and suitability to continue. When a foster carer becomes pregnant then a Safer Care Agreement is put in place to identify the risks and required actions to protect everyone involved.

Marriage or civil partnership	X			<u>Customers:</u> The provision of short breaks / contract care is based on assessed need and individual circumstance. Access to the provision of short breaks and contract care for customers will be applied on this basis, and customers will benefit from the anticipated positive impacts outlined in section 3, regardless of their marital status.
	X			<u>Short breaks / contract carers:</u> No change in impact related to marital status is anticipated as a result of the proposals, as the provisions in the proposed revised framework are not dependent on the marital status of the short breaks / contract carer. Foster carers undertake an assessment to be suitable to care based on a number of factors set out in regulations, national standards and statutory guidance. The fostering service is aware of the demographic of each approved foster carer. All foster carers are reviewed at least annually to consider on-going approval and suitability to continue.
Section 6. Would this proposal affect people for the following reasons?	No impact	Make things better	Make things worse	Why will it have this effect? Give any evidence you have.
Live in a rural area	X			<u>Customers:</u> The DCS Strategy EIA identified that some family based overnight short breaks would be made by the foster care service in more rural locations. This would mean more localised provision and shorter journeys for some children and young people, benefitting those in rural areas. Work is underway to map the demand for placements across geographical areas to assist with targeted recruitment of new short breaks / contract carers.
			X	<u>Short breaks / contract carers:</u> The new framework will require short breaks and contract carers to undertake mandatory training to progress or maintain their status as contract or short breaks carers. For some carers it is recognised that accessing information from the internet may cause some difficulties due to connectivity. Therefore this EIA takes into account this factor and considered alternative methods to accessing information. Carers who live out of the North Yorkshire area may find it difficult to access training events – the Workforce Development Unit are currently looking into ways mandatory training can be accessed locally to the carers via reciprocal arrangements with local authorities to the foster carer, one off payment or on line training

				packages.
Have a low income	X			<u>Customers:</u> Disabled children's services and education, health and care plan (EHCP) provision including short breaks / contract care are non-means tested and are based on assessed need. Therefore, access to the provision of short breaks and contract care for customers will be applied equitably, irrespective of an individual's household income.
	X			<u>Short breaks and contract carers:</u> Financial modelling shows that there will not be any detriment to carers.

Section 7. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men?) State where this is likely to happen and explain what you think the effect will be and why giving any evidence you have.

Customers

Because these proposals relate only to the provision of short breaks and contract care for disabled children and their families, all customers affected by the change will exhibit the protected characteristic of disability. This therefore increases the likelihood of customers exhibiting a combination of protected characteristics, however the proposals have been designed to improve outcomes for customers through increased consistency and choice of provision within family-based settings which have the potential to offer the children a more personalised and family friendly experience, and which are more likely to provide greater continuity of environment / setting than some alternatives (such as residential centres). In this respect, any impacts on those with a combination of characteristics are anticipated to be neutral or positive. This will be monitored through the process and this document will be updated if anything is raised which needs to be included.

Short Breaks / Contract Carers

The proposal is not expected to have an adverse effect on any of the recognised protected characteristics. There have been engagement events with short breaks and contract carers regarding the new framework, which has recognised and influenced the final proposal. Consultation will also provide carers with the opportunity to provide feedback on the proposed transition arrangements for implementing the new framework

Section 8. Only complete this section if the proposal will make things worse for some people. Remember that we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us.

With regards to rurality there could be an adverse impact with regards to accessing on-line learning,

Can we change our proposal to reduce or remove these adverse impacts?

If training materials cannot be accessed via the internet then they will be made available in a different way, eg. on paper or the carer supported to access a computer with internet access.

Can we achieve our aim in another way which will not make things worse for people?

It is therefore not necessary to change the fostering framework.

If we need to achieve our aim and can't remove or reduce the adverse impacts get advice from legal services. Summarise the advice here. Make sure the advice is passed on to decision makers if the proposal proceeds.

The Project Sponsor is liaising with a representative from Legal Services to ensure that updates to the framework and fostering agreement are legally robust.

Section 9. If the proposal is implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

A post-implementation review will be carried out 9 months after implementation of the revised framework. Short breaks and contract carers have annual reviews with the fostering service, which would present a further opportunity for them to provide feedback or raise issues. Similarly, the views of disabled children and their parents can be fed through into their reviews or as and when issues may arise.

Section 10. List any actions you need to take which have been identified in this EIA

Action	Lead	By when	Progress
Complete proposals to update fostering framework and financial payment structures to assimilate short break and contract care	Alan Tucker	End Oct 2015	Completed
Engage with short breaks and contract carers, and ask them about equality considerations	Alan Tucker	Early Oct 2015	Completed
Peer review of the EIA by CYPSE&D Group members	CYPSE&D Group	Nov 2015	
Secure sign off of EIA by Assistant Director	Alan Tucker / Judith Hay	Nov 2015	
Secure Executive approval to implement updated framework	Alan Tucker	Dec 2015	
Consult with current carers about transition arrangements	Alan Tucker	Jan 2016	
Post Implementation Review: phase 2	Alan Tucker	Oct 2017	