

Kent County Council

Staying Put Policy - Equality Analysis/ Impact Assessment (EqIA)

Directorate/ Service:

Children Young People and Education / Corporate Parenting

Name of decision, policy, procedure, project or service:

Staying Put Policy

Responsible Owner/ Senior Officer:

Paul Startup, Head of Care Leavers Service

Version:

Version D2.8

Author:

Caroline Smith, Assistant Director for Corporate Parenting, Children's Social Work Services

Pathway of Equality Analysis:

Version	Author	Date	Comment
D2.1	Caroline Smith	Jan 2019	Review
D2.1	Nicole Catto	Dec 2018	First draft
D2.3	Akua Agyepong	Feb 2019	Review
D2.4	Pritpal Sodhi	Mar 2019	Concerns / Recommendations
D2.5	Permila Clare	Mar 2019	Amendments
D2.5	Akua Agyepong	Mar 2019	Comments
D2.5	Permila Clare	Apr 2019	Amendments
D2.5	Pritpal Sodhi	Apr 2019	Suggestions
D2.6	Paul Startup / Stephen Hollands	Apr 2019	Suggestions
D2.6	Caroline Smith	Apr 2019	Amendments
D2.7	Permila Clare	May 2019	Amendments
D2.8	Caroline Smith	Jun 2019	Suggestions
D2.8	Permila Clare	Jun 2019	Amendments
D2.8	Pritpal Sodhi	Jun 2019	Suggestions
D2.8	Permila Clare	Jun 2019	Amendments

Summary and recommendations of equality analysis/impact assessment**Context**

As Corporate Parents we have responsibility for the welfare and wellbeing of our children in care and care leavers and it is our duty to treat our children in care and

Updated 03/10/2019

1

care leavers as we would our own children regardless of their characteristics; such as: age, sex, race, disability, religion, gender/sex, pregnancy or sexual orientation.

This policy sets out our approach towards promoting and supporting our young people in foster care that remain with their former foster carer(s) under 'staying put' arrangements once they reach their 18th birthday.

We will also ensure our children and young people remain at the centre of everything we do, and we will support with any additional support they may require meeting their individual needs and requirements.

Aims and objectives

The aim of this policy is to clearly set out the process and role that each Kent County Council employee and our external provider do in the process of our young people deciding or transferring to a staying put accommodation agreement with their former foster carer(s) through our fostering service or an independent fostering agency provider.

This policy refers to those young people living with their former foster carer(s) on their 18th birthday and ends when the young person becomes 21 years of age or ceases to live within the household.

The objective of the review of this document is to ensure that the process is clear, and this document provides all information that is required to ensure a smooth and stress-free process for the young person and staying put accommodation provider whilst ensuring that the risks of entering this mutual agreement are made clear to both.

This document will be used to support Kent County Council staff in ensuring that they are aware of the process and what can or should be done in circumstances that may arise during the duration of the agreement.

The definition of a staying put arrangements is applicable to young people as follows:

- A young person who was in care immediately prior to their 18th birthday, as an eligible child, and continues to reside with their former foster carer(s) (***Eligible child*** - a young person aged 16 or 17-years old and has been looked after by the local authority for at least a period of 13-weeks since the age of 14, and who is still looked after following this)
- The carer(s) were acting as foster carer(s) to the young person immediately prior to their 18th birthday.
- A staying put arrangement ends when a young person becomes 21 years of age or ceases to live within the household. This depends on which comes first, or the young person completes the agreed programme of education or training being undertaken on their 21st birthday, if continuously living in the arrangement since their 18th birthday.

Kent County Council as a local authority has a significant statutory obligation to monitor and support staying put arrangements, these are reflected throughout this policy.

Updated 03/10/2019

Summary of equality impact

This policy is to continue to promote fairness and opportunities for our young people in staying put with their foster carer, but there are some concerns as it could have a low negative impact due to the rate of pay a foster carer is paid when the young person is 18 which can decrease depending on if the young person is in full time education.

Adverse Equality Impact Rating Low

Low rating

The children in care and care leavers strategy will provide a framework which will impact positively for all our children and care leavers, whilst ensuring that we maintain our responsibilities as corporate parents.

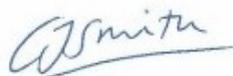
This strategy relates to individuals that KCC know on a personal basis and for whom they have statutory responsibilities for and would be able to identify individuals.

Attestation

I confirm that I have read and paid due regard to the equality analysis/impact assessment concerning the staying put policy and I agree with the risk rating and the actions to mitigate any adverse impact(s) that has/have been identified.

Head of Service

Signed:



Name: Caroline Smith

Job Title: Assistant Director of Corporate Parenting

Date: 28 June 2019

DMT Member

Signed:



Name: Sarah Hammond

Job Title: Director of Integrated Children's Services East (Social Work Lead)

Date: 13 August 2019

Part 1 screening				
Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?				
Could this policy, procedure, project or service promote equal opportunities for this group?				
Please provide a brief commentary on your findings. Fuller analysis should be undertaken in Part 2.				
Protected group	High negative impact (EqIA)	Medium negative impact (screen)	Low negative impact (evidence)	High, medium or low positive impact (evidence)
Age	Could impact on the young person if the carer decides not to continue when the young person turns 18		This policy will affect young person's aged 18 to 25, any changes to the policy will apply to this cohort only	<p>Yes, High positive impact as this policy provides clear guidance and stability for all children aged 18+ regardless of how they came into care. They will all continue to have the same level of care, support and services available to them in accordance to their needs and not their route of entry.</p> <p>We continue to work with adult services to ensure a smooth transition between care leavers service.</p> <p>Single foster carers will not be discriminated against their council tax payments if this is a barrier to them considering a young person for 'staying put'.</p> <p>Young people who are not completing their A-Levels but are still in education will be looked at individually to ensure they are not being disadvantaged.</p>

Disability	No	No	Some disabled young people may not be eligible due to their complex need that may impact on them. It may not be in their interest to remain if their needs can be met more effectively in another location. This may be considered a high negative impact but is rated low as there are cases where they remain 'put' should their foster carer(s) apply through shared lives and receive additional support and training. Where they are unable to stay this is to ensure their needs are being met more effectively in another place.	Yes, low positive impact as the disabled children within our service are those with minor disabilities. Those with complex to severe sit within the disabled teams. The current data shows 10.5% of young people have a mild disability within our service.
Sex	No	No	No	This policy does not impact on sex/gender, both female and males are afforded equal opportunities through the children and social work teams and the care leavers service. There are however more males 74.8% compared to females at 25.2%. (Data as of 30.03.19 MIU)
Gender Identity /Transgender	No	No data on this cohort but is available	No	This policy does not impact on gender identify/transgender as it does not differentiate on this. Where gender identity/transgender is a characteristic, the individual(s) would be equally entitled and supported to access the service. All staff in the service provide a service to meet the needs of all individuals regardless of their protected characteristics

Race	No	No	Young people seeking asylum have the protected characteristics of race and this policy provides opportunities to access services to meet their needs regardless of their route into care.	Social Workers and Personal Advisors will consider the challenges faced by this group when completing their assessments and will ensure their protected characteristics are not compromised in anyway. This will include the need for education and their personal development as their first language is not English. Those unaccompanied asylum-seeking children who are in care prior to 16 will be looked at individually to ensure they are not disadvantaged due to their home office status.
Religion and Belief	No	No data on this cohort but is available	However, it is recognised that some will not have their status determined by the home office and this could delay matters, but this number is low and as of Feb 19 this was 5.6%.	
Sexual Orientation	No	No data on this cohort is available	No	This policy does not differentiate on an individual's sexual orientation, all children / young people in care regardless of their sexuality are equally entitled and encouraged to access the services.

Pregnancy and maternity	This could have a low negative impact if a young person chooses to 'stay put' but was unable to due to being pregnant or having a child.	No		This policy does not adversely impact on pregnancy and maternity however health assessments are completed on all children up to the age of 18 on a yearly basis. Those identified as pregnant will be offered the appropriate support and will not be disadvantaged.
Marriage and civil partnerships	N/A	N/A	N/A	N/A
Carer's responsibilities	No	No	Yes – Low if the young person has responsibility for a baby this could have an impact as the foster carer may not entertain this.	There are no exclusions to accessing the services if the individual has carer's responsibilities

Part 2: Equality analysis /impact assessment

Protected groups

None of the protected groups will be negatively affected by this policy.

Information and data used to carry out your assessment

The information used has been obtained from KCC's data base and there are currently:

Category	Total	%
Total number of care leavers 18-25	1677	
Total number of care leavers 18-21	1598	
Young people aged 18	340	21.3%
Young people aged 19	433	27.1%
Young people aged 20	528	33.0%
Young people aged 21	297	18.6%
White	671	42.0%
Non white	927	58.0%
Asylum	869	54.4%
Disabled	95	5.9%
Male	1194	74.7%
Female	404	25.3%
Staying put clients	99	6.2%
In education -full time	495	31.0%
Recorded as pregnancy or parenting	87	5.4%

Staying put clients

Category	Total	%
Staying put clients	99	
Young people aged 18	51	52%
Young people aged 19	34	34%
Young people aged 20	13	13%
Young people aged 21	1	1%
White	59	60%
Non white	40	40%
Asylum	31	31%
Disabled	3	3%
Male	59	60%
Female	40	40%
Paying full rate to F/Carer	54	55%
In education full - time	54	55%
Recorded as pregnancy or parenting	4	4%
In training or employment full-time	16	16%
Not working due to illness/disability	2	2%
Not in education/employment/training	12	12%
Not recorded	2	2%
In education part-time	3	3%
In training or employment part-time	6	6%

(Data source – SCS Performance Management – Scheduled reports 'current care leavers_0091' 08/04/19)

Updated 03/10/2019

8

This document is available in other formats, please contact
alternativeformats@kent.gov.uk

Information relating to religion or belief, sexual orientation, gender identity, and carer's responsibilities can be requested from our Management Information Unit, should it be required.

Who have you involved, consulted and engaged?

This policy has been developed because of KCC's statutory obligation and is heavily influenced by statutory guidance and primary legislation.

Consultation has taken place with the following services, meetings and personnel:

- Management Information Unit (MIU)
- Young Adult Council (YAC)
- Youth Offending Service (YOS)
- Children in care management meeting
- DivMT meeting
- Senior management
- Service Managers
- Safeguarding
- Independent Review Officer (IRO)
- Advocacy
- Health (CCG)
- Adoption Service
- Fostering Service
- Foster Carer Ambassador
- Virtual School for Kent (VSK)
- Care Leavers 18+ Service
- Commissioning
- Total Placement Service (TPS)

Analysis

The data looked at was the performance reports in relation to care leavers and the information was extracted from the scheduled reports 'Current care leavers_0091'.

It is anticipated that this policy will not have any adverse negative impact on the basis of the protected characteristics of our children and care leavers who KCC have responsibility for and aim to promote overall fairness. But it is also recognised that when a young person turns 18 the rate of pay for foster carers can go down to the standard rate unless the young person is continuing in education (not university)

Level of support	Minimum weekly support payment	Accommodation payment	Support provided per week
Intensive	£240.00	In line with local housing benefit rate	30+ hours
Complex	£190.00	In line with local housing benefit rate	15-29 hours
Standard	£140.00	In line with local housing benefit rate	Up to 14 hours

To avoid this and ensure there is no disadvantage to the young person or carer each case will be looked at individually and a decision made on those merits. The same rules will apply to those young people who have turned 18 and live with single foster carers to ensure they can continue to stay put and their council tax is not affected as a result of this.

The current number of young people who stay put is 6.7%, it is hopeful that this will increase.

The unaccompanied asylum-seeking children (UASC) that enter the UK are age assessed by the Home Office, only if there is doubt and/or little to no document evidence to prove their age. The Home Office policy states that unless the claimant's physical appearance or demeanour very strongly suggest that they are significantly over 18 years of age, they should be treated as a child until a holistic assessment can be made by a local authority. It is important that KCC continue to ensure the assessment is full, as comprehensive as possible and conducted in a clear, transparent and fair manner. This will ensure the individual is receiving a service in a timely manner according to their age and most importantly their education needs are not delayed.

Although Kent County Council provide a wide range of services for its unaccompanied asylum-seeking children and young people, they may feel discriminated against when they do not receive the same treatment as being able to go into a staying put accommodation arrangement, due to their immigration status of appeal, as a result this may cause an adverse impact on race and nationality and for some their education. For those young children who come into care prior to becoming 16 and are in care will be looked at thoroughly on a case to case basis to ensure they are not disadvantaged.

It is therefore important the correct measurements are in place to monitor and report as necessary.

The number of UASC age assessed is low as in the example below.

(Data provided by MIU 20.03.19)

Dates	Total number of UASC	Total age assessed	Percentage
01/03/18 - 28/02/2019	408	23	5.6%

Within this strategy there is no data on transgender, sexual orientation or religion and an individual is not treated less favourably based on this. This information is recorded and is available through MIU but is not necessary for this cohort of data.

Adverse impact

Information collected to date shows that there are no adverse equality impacts across our children and young people's protected characteristics. We will be more

active in checking and sampling our data to identify good practice and areas for improvement and ensure our young people are not disadvantaged.

Positive impact

The policy forms a framework which will encourage the work delivered by the sector to have positive impact across all protected groups as it provides a framework for a programme of work which aims to be inclusive and will provide opportunities for economic growth, community cohesion and wellbeing.

The policy will also ensure that disabled children will have access to a social worker within the CiC team and a personal adviser at the age of 18 when they are within the care leavers service. All our children and young people will continue to have a service in accordance with their needs and not be excluded because of their disability.

Judgement

The cohort of individuals that this strategy affects have been researched and identified, the characteristics of the cohort are known and can easily be identified through the assessment and pathway place process.

The initial screening has not identified any group of individuals who on the basis on their protected characteristics could be adversely impacted by this policy. However, we note that we hold limited/no data on the sexual orientation and transgender/gender identity characteristics, and this will need to be explored further.

The information required to complete this EqIA form has been readily available and has been undertaken by the Interim Assistant Director of Corporate Parenting.

No major change

All opportunities to promote equality have been taken.

Internal action required: Yes

The strategy will be reviewed in 2022. However, prior to this, the strategy will be monitored for any changes taken place that would have an impact. This will need to be explored further however some possibilities could be through MIU date or setting up reports for specific information.

Equality impact analysis/assessment action plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
All	Some strategy's or policy's do not have EqIA in place	EqIA's to be undertaken for all the project streams identified in the strategy	All managers or those responsible for documents to ensure EqIA are in place	Document owners	On the production of any document produced	
Sexual orientation Transgender Gender & Identity	Will staff have the knowledge and experience to support young people who declare the characteristic or whose care needs are as a resulted of being part of the protected group (s)	Training and development for all staff who work with this cohort to deliver the policy	All staff have a knowledge base to support practice and arrange LGBT training if required.	Service Managers	As and when identified	

Have the actions been included in your business/ service plan? Yes

Please forward a final signed electronic copy and Word version to the Equality Team by emailing diversityinfo@kent.gov.uk. If the activity will be subject to a Cabinet decision, the EqIA must be submitted to committee services along with the relevant Cabinet report. Your EqIA should also be published. The original signed hard copy and electronic copy should be kept with your team for audit purposes.