

Appendix 2

Equality Impact Assessment

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The Council has also decided to treat people who have care experience as if they had a protected characteristic under the law.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where

a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Chief Executive's	Title of the Lead Officer responsible for EIA	Chief Executive
Name of the policy or function to be assessed:		Foster Carer Leave	
Title of the Officer undertaking the assessment:		HR Manager	
Is this a new or an existing policy or function?		New	
<p>1. What are the aims and objectives of the policy or function?</p> <p>To create a Foster Carer Leave Scheme and provide those who are Foster Carers with support from the Council.</p> <p>There is currently no statutory time off for Foster Carers and the Council recognises that those employees should be supported.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>To provide further support to employees who Foster.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>Employees undertaking Foster Care applications or provide Foster Care.</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <p>Employees who have Foster Care responsibilities or are in the process of applying to be Foster Carers.</p>			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>There are currently 64,000 children in care in the UK. The highest proportion, 78%, of those children and young people are in foster care and with a child coming in to</p>			

Directorate:	Chief Executive's	Title of the Lead Officer responsible for EIA	Chief Executive
<p>care every 20 minutes in need of a fostering family and the Council recognises the need to do more to help recruit new foster carers.</p> <p>The demographic profile of foster carers, many of whom are approaching retirement age, places further pressure on future foster carer numbers. 94% of foster carers nationally are aged 40 and over and 65% are aged 50 and over.</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>There have been a number of employees at the Council over the years who have been Foster Carers and not been able to utilise additional leave due to legislative gaps.</p>			
<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</p> <p>Discussions with Foster Carers whom are directly affected by lack of legislative support.</p>			
<p>8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:</p>			
<p><input type="checkbox"/> Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?</p> <p>Yes – the policy specifically targets Foster Carers.</p>			
<p><input type="checkbox"/> Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?</p> <p>Any equality group can apply to Foster.</p>			
<p><input type="checkbox"/> Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?</p> <p>Yes – the legislation only applies to Foster Parents.</p>			

Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?

Yes – Foster Carers will now receive paid time off when previously they were unable to do so.

What further evidence is needed to understand the impact on equality?

None

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age: None – Foster Carers can be any age.

Disability: None – people can become Foster Carers regardless of disability

Gender: None – Foster Carers can be any gender.

Gender Reassignment: None – gender reassignment has no impact on the ability to foster.

Marriage and Civil Partnership: None – Foster Carers do not have to be in a marriage or civil partnership to qualify.

Pregnancy and Maternity:

None – pregnancy and maternity have no impact on the ability to foster.

Race:

None – any race can foster.

Religion and Belief: None – any religion or belief can foster.

Sexual Orientation: None – sexual orientation has no impact on the ability to foster.

Care Experience: The policy is aimed at supporting Foster Carers or those applying to become Foster Carers.

Chief Executive:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature:

REFERENCE