

## Equality & Human Rights Impact Assessment (EHRIA)

This Equality and Human Rights Impact Assessment (EHRIA) will enable you to assess the **new, proposed or significantly changed** policy/ practice/ procedure/ function/ service\*\* for equality and human rights implications.

Undertaking this assessment will help you to identify whether or not this policy/ practice/ procedure/ function/ service\*\* may have an adverse impact on a particular community or group of people. It will ultimately ensure that as an Authority we do not discriminate and we are able to promote equality, diversity and human rights.

Before completing this form please refer to the EHRIA [guidance](#), for further information about undertaking and completing the assessment. For further advice and guidance, please contact your [Departmental Equalities Group](#) or [equality@leics.gov.uk](mailto:equality@leics.gov.uk)

*\*\*Please note: The term 'policy' will be used throughout this assessment as shorthand for policy, practice, procedure, function or service.*

Key Details	
<b>Name of policy being assessed:</b>	Fostering Fees Payment Structure
<b>Department and section:</b>	Children & Family Service
<b>Name of lead officer/ job title and others completing this assessment:</b>	Gemma Wilde, Project Manager
<b>Contact telephone numbers:</b>	0116 305 3343
<b>Name of officer/s responsible for implementing this policy:</b>	Sharon Cooke, Assistant Director Children's Social Care Nicci Collins, Head of Service – Fostering, Adoption, Children in Care and Virtual School
<b>Date EHRIA assessment started:</b>	December 2017
<b>Date EHRIA assessment completed:</b>	December 2017

# Section 1: Defining the policy

## Section 1: Defining the policy

You should begin this assessment by defining and outlining the scope of this policy. You should consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights, as outlined in Leicestershire County Council's Equality Strategy.

### 1 What is new or changed in this policy? *What has changed and why?*

The in-house fostering fees review proposes to make changes, following a consultation exercise, to the fostering fee payment structure. The changes proposed seek to increase the payments given to foster carers, both mainstream and kinship, at the lowest end of the skills payment scale and rationalise the structure at the top end of the scale.

The changes to the Fostering Fees Structure are proposed as part of a suite of enablers to help achieve the Medium Term Financial Strategy (MTFS) savings target by contributing to the service's ability to meet its challenging in-house fostering recruitment targets. This would reduce reliance on Independent Fostering Agency (IFA) provision - which per child placed equates to an avoided cost of approximately £15,000 per year.

The proposed changes are set out in the table below (figure 1):

**Figure 1:**

<b>Current Skills Fee structure (including allowances) - Fee per week</b>								
Ages	Level 0	Level 1	Level 2	Level 3	Level 4	Level 5 (not in use)	Level 6	Specialist 1:1 Carers
0-4	£128	£160	£192	£224	£307	£384	£448	
5-10	£141	£176	£212	£247	£338	£423	£494	
11-16	£161	£201	£242	£282	£386	£483	£564	
16+	£188	£235	£282	£329	£451	£564	£658	
Average Per Week	£155	£193	£232	£270	£371	£464	£541	£815
Average Per Annum	£8034	£10,043	£12,051	£14,060	£19,282	£24,102	£28,132	£42,380
<b>Proposed Skills Fee structure (including allowances) - Fee per week</b>								
	Level 0	Level 1	Level 2	Level 3	Level 4	Specialist Range (which includes 1:1, Parent and Child, Wrap Around Therapeutic Support, Short Break etc.)		
0-4		£160	£192	£224	£307	£440 - £815		
5-10		£176	£212	£247	£338			
11-16		£201	£242	£282	£386			
16+		£235	£282	£329	£451			
Average Per Week		£193	£232	£270	£371	Dependent upon recruitment and needs of presenting LAC		
Average Per Annum		£10,043	£12,051	£14,060	£19,282	As above		

### Rationale for Change

The current Fostering Fee Payment Structure has a Level '0' skills fee which means that some carers receive no skills payment, only the basic allowance to cover the cost of looking after the child. This does not compensate the carer for their time or skills in caring for the child and is considered to be a barrier to recruitment and retention. Leicestershire's last annual foster carer survey (October 2017), demonstrated that some foster carers felt undervalued due to the payment levels and a focus group with foster carers held in August 2017 fed back that foster carers felt frustrated by the 'level 0' payment bracket.

A survey was undertaken over a 9-month period in 2016-17 with prospective foster carers who expressed an interest but ultimately did not proceed to foster with the County Council. The results showed that 4 of 25 (16%) respondents cited an issue with payment and reward as their reason for not proceeding, whilst the remainder felt "now is not the right time".

Comparison with both statistical local authority neighbours and geographical neighbouring authorities (where fee information was available) shows Leicestershire's fees to be at the lower end of the payment scale, and lower on average than its neighbours. This makes it difficult for Leicestershire to meet its recruitment targets with competition for carers between neighbouring authorities (as well as IFAs) high.

It is proposed that Kinship foster carers who are currently paid at 'level 0' also benefit from the proposed changes and are also moved to level 1 alongside mainstream foster carers. This would ensure that the Authority is treating all foster carers equitably and is rewarding and compensating all carers for their time and skills appropriately and is in line with good practice and recent case law.

Foster Carers have reported confusion with the payments at the top end of the payment scale and the multi-layered scale also makes the payments difficult to administer and track. Rationalising the number of payment levels would simplify the structure and communications for current and prospective carers. The proposed changes at the top end of the scale are to remove level 5 which is no longer used in practice, and rename the level 6 scheme as 'Specialist' to make it clearer what this means. Level 6 currently encompasses specialist carers and the service intends to recruit in parallel, one to one, parent and child, pathway and short break carers in order to meet the proposed MTFS targets. It is proposed that further details on the specialist scheme be brought back to the Cabinet for consideration in March 2018.

- 2 Does this relate to any other policy within your department, the Council or with other partner organisations? *If yes, please reference the relevant policy or EHRIA. If unknown, further investigation may be required.*

This change is driven by the Council's proposed Medium Term Financial Strategy (MTFS) which will be finalised by the County Council in February 2018. The proposed 2018/19 MTFS sets out a savings target of £700,000 in 2018/19, rising to £2,900,000 in 2021/22 in relation to increasing Leicestershire's internal foster care capacity and reducing reliance on IFAs. A change to the fees is seen as one enabler to achieving the fostering recruitment targets alongside a suite of other developmental activity that is taking place in the service.

3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p><b>Current and Prospective Foster Carers</b></p> <ul style="list-style-type: none"> <li>There are currently 9 in house foster carers and 75 Kinship carers who receive payment at 'Level 0' of the fostering payment structure<sup>1</sup>. The removal of the 'level 0' category would also apply to prospective carers entering at the lowest end of the payment scale. This means that these carers would see the average payment per week (including the allowance) rise from £155 to £193 dependent on the age of the child in placement. Consultation and further analysis are planned to further explore the impact of these changes and will be included in the March Cabinet report</li> <li>There is currently only one foster carer who receives a 'level 5' payment. The introduction of new specialist foster carer payments would mean that this carer would either need to be moved to the 'level 4' band or apply to become a 'specialist' carer. There is a proposed MTFS savings regarding the recruitment of specialist foster carers Consultation and further analysis are planned to further explore the impact of these changes and will be included in the March Cabinet report.</li> <li><u>Current Level 4 Foster Carers</u> There are currently eight foster carers who receive 'Level 4 payments. These carers may feel affected by the proposed changes as the rationalisation of the top of the fee structure could be seen as a removal of a progression level. However, in reality the changes mean that where a child's need is such that they require specialist care, foster carers will be more appropriately rewarded through the specialist scheme. Furthermore, it will be clearly communicated to foster carers how it is possible to apply to become a 'specialist' foster carer and what this role involves. Consultation and further analysis are planned to further explore the impact of these changes for all carers and will be included in the March Cabinet report.</li> </ul> <p>Throughout January and February we will undertake consultation with foster carers and staff to research into how stakeholders are affected by the change and what impacts this will have on users that fall under the protected characteristics.</p> <p><b>Staff</b> The proposed changes to the fostering fee payment structure will result in changes foster carers. There will be an bearing on staff in terms of the key messages that need to be communicated with foster carers and prospective foster carers although there will be no direct impact on staffing or job descriptions.</p> <p><b>Looked After Children and those at the Edge of Care</b></p> <p><b>The proposed changes to the fostering fee payment structure will result in no direct impact to Looked after Children or those at the Edge of Care. An increase in in-house recruitment may mean that more children and young people are fostered with in-house rather than IFA carers. However such a growth would reflects a change in where foster carers are administrated from and would not impact the child or young person in placement who may not even know what type of foster provision they are placed in.</b></p>								
4	<p>Will this policy meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following aspects? <b>(Please tick and explain how)</b></p> <table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> <th>How?</th> </tr> </thead> <tbody> <tr> <td>Eliminate unlawful</td> <td></td> <td></td> <td>Support and training to foster carers will</td> </tr> </tbody> </table>		Yes	No	How?	Eliminate unlawful			Support and training to foster carers will
	Yes	No	How?						
Eliminate unlawful			Support and training to foster carers will						

<sup>1</sup> All foster caring numbers correct as of 19/12/2017

discrimination, harassment and victimisation	✓		continue to help build their resilience and independence, and strengthen their capacity to respond positively to any experience of unlawful discrimination, harassment and victimisation.
Advance equality of opportunity between different groups	✓		The change to this policy does not have any impact on the equality of opportunity between different groups or the way this is handled by the existing service.
Foster good relations between different groups	✓		The change to this policy does not have any impact on way by which the existing service fosters good relations between different groups.

## Section 2: Equality and Human Rights Impact Assessment (EHRIA) Screening

### Section 2: Equality and Human Rights Impact Assessment Screening

The purpose of this section of the assessment is to help you decide if a full EHRIA is required.

If you have already identified that a full EHRIA is needed for this policy/ practice/ procedure/ function/ service, either via service planning processes or other means, then please go straight to [Section 3](#) on Page 7 of this document.

Section 2			
A: Research and Consultation			
		Yes	No*
5.	Have the target groups been consulted about the following?		
	a) their current needs and aspirations and what is important to them;	✓	
	b) any potential impact of this change on them (positive and negative, intended and unintended);	✓	
	c) potential barriers they may face	✓	
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?		✓
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of		✓

	potential unintended impacts?		
8.	*If you answered 'no' to the question above, please use the space below to outline what consultation you are planning to undertake, or why you do not consider it to be necessary.		
	<p>Some initial engagement relating to the fostering fees has taken place with staff and carers.</p> <p>The January Cabinet report seeks permission from Members to carry out a formal consultation period between January- February2018. This will include consultation with a range of key stakeholders including foster carers, the Leicestershire foster carers association, and staff to gather further evidence on the potential impact of the proposal.</p> <p>The outputs of the consultation will be analysed and a final report will be produced to take account of any comments. This report will be submitted to cabinet in March 2018 for consideration. The EHRIA will also be updated at this point to reflect consultation responses.</p>		

<b>Section 2</b>				
<b>B: Monitoring Impact</b>				
9.	Are there systems set up to:		<b>Yes</b>	<b>No</b>
	a) monitor impact (positive and negative, intended and unintended) for different groups;		✓	
	b) enable open feedback and suggestions from different communities		✓	
<p><b>Note: If no to Question 8, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.</b></p> <p>Equalities information will be collected as part of the formal consultation period. This will provide an additional dataset and help fill in gaps in existing data, so that impact can be assessed by characteristic and mitigations implemented where appropriate.</p> <p>Systems to monitor impact and enable open feedback and suggestions will be established throughout the consultation period and indeed there are existing annualised surveys, forums and events hat foster carers use to communicate their feelings to the service with.</p>				
<b>Section 2</b>				
<b>C: Potential Impact</b>				
10.	Use the table below to specify if any individuals or community groups who identify with any of the ' <a href="#">protected characteristics</a> ' may <u>potentially</u> be affected by this policy and describe any positive and negative impacts, including any barriers.			
		<b>Yes</b>	<b>No</b>	<b>Comments</b>

	<b>Age</b>	✓	It is intended that proposals are inclusive and therefore would not discriminate in any way against people identifying with this characteristic.
	<b>Disability</b>	✓	It is intended that proposals are inclusive and therefore would not discriminate in any way against people identifying with this characteristic.
	<b>Gender Reassignment</b>	✓	It is intended that proposals are inclusive and therefore would not discriminate in any way against people identifying with this characteristic.
	<b>Marriage and Civil Partnership</b>	✓	It is intended that proposals are inclusive and therefore would not discriminate in any way against people identifying with this characteristic.
	<b>Pregnancy and Maternity</b>	✓	It is intended that proposals are inclusive and therefore would not discriminate in any way against people identifying with this characteristic.
	<b>Race</b>	✓	It is intended that proposals are inclusive and therefore would not discriminate in any way against people identifying with this characteristic.
	<b>Religion or Belief</b>	✓	It is intended that proposals are inclusive and therefore would not discriminate in any way against people identifying with this characteristic.
	<b>Sex</b>	✓	It is intended that proposals are inclusive and therefore would not discriminate in any way against people identifying with this characteristic.
	<b>Sexual Orientation</b>	✓	It is intended that proposals are inclusive and therefore would not discriminate in any way against people identifying with this characteristic.
	<b>Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities</b>	✓	It is intended that proposals are inclusive and therefore would not discriminate in any way against people identifying with this characteristic.
	<b>Community Cohesion</b>	✓	It is intended that proposals are inclusive and therefore would not discriminate in any way against people identifying with this characteristic.
<b>11.</b>	<p>Are the human rights of individuals <u>potentially</u> affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? <b>(Please tick)</b></p> <p>Explain why you consider that any particular <a href="#">article in the Human Rights Act</a> may apply to your policy/ practice/ function or procedure and how the human rights of individuals are likely to be affected below: [NB. Include positive and negative</p>		

impacts as well as barriers in benefiting from the above proposal]			
	Yes	No	Comments
<b>Part 1: The Convention- Rights and Freedoms</b>			
<b>Article 2: Right to life</b>		✓	
<b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b>		✓	
<b>Article 4: Right not to be subjected to slavery/ forced labour</b>		✓	
<b>Article 5: Right to liberty and security</b>		✓	
<b>Article 6: Right to a fair trial</b>		✓	
<b>Article 7: No punishment without law</b>		✓	
<b>Article 8: Right to respect for private and family life</b>	✓		By abolishing the 'level 0' payment to foster carers the authority would be increasing the respect demonstrated to foster carers and their provision of care and family life to looked after children.
<b>Article 9: Right to freedom of thought, conscience and religion</b>		✓	
<b>Article 10: Right to freedom of expression</b>		✓	
<b>Article 11: Right to freedom of assembly and association</b>		✓	
<b>Article 12: Right to marry</b>		✓	
<b>Article 14: Right not to be discriminated against</b>	✓		By ensuring that connected foster carers also receive any proposed changes to fees that mainstream carers receive, the authority would be demonstrating that it does not discriminate against the type of foster carer
<b>Part 2: The First Protocol</b>			
<b>Article 1: Protection of property/ peaceful enjoyment</b>		✓	
<b>Article 2: Right to education</b>		✓	
<b>Article 3: Right to free elections</b>		✓	



<b>Section 2</b>				
<b>D: Decision</b>				
<b>12.</b>	Is there evidence or any other reason to suggest that:	<b>Yes</b>	<b>No</b>	<b>Unknown</b>
	a) this policy could have a different affect or adverse impact on any section of the community;			✓
	b) any section of the community may face barriers in benefiting from the proposal			✓
<b>13.</b>	Based on the answers to the questions above, what is the likely impact of this policy			
	No Impact <input type="checkbox"/>	Positive Impact <input type="checkbox"/>	Neutral Impact <input checked="" type="checkbox"/>	Negative Impact or Impact Unknown <input type="checkbox"/>
<b>Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.</b>				
<b>14.</b>	Is an EHRIA report required?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
	<u>At this stage a full EHRIA is not deemed necessary. However, the screening EHRIA will be added to through the course of consultation and a final decision then made on whether a fill EHRIA is necessary.</u>			

**Section 2: Completion of EHRIA Screening**

Upon completion of the screening section of this assessment, you should have identified whether an EHRIA Report is required for further investigation of the impacts of this policy.

**Option 1:** If you identified that an EHRIA Report is required, continue to [Section 3](#) on Page 7 of this document to complete.

**Option 2:** If there are no equality, diversity or human rights impacts identified and an EHRIA report is not required, continue to [Section 4](#) on Page 14 of this document to complete.

## Section 3: Equality and Human Rights Impact Assessment (EHRIA) Report

### Section 3: Equality and Human Rights Impact Assessment Report

This part of the assessment will help you to think thoroughly about the impact of this policy and to critically examine whether it is likely to have a positive or negative impact on different groups within our diverse community. It is also to identify any barriers that may detrimentally affect under-represented communities or groups, who may be disadvantaged by the way in which we carry out our business.

Using the information gathered either within the EHRIA Screening or independently of this process, this EHRIA Report should be used to consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights as outlined in Leicestershire County Council's Equality Strategy.

### Section 3

#### A: Research and Consultation

When considering the target groups it is important to think about whether new data needs to be collected or whether there is any existing research that can be utilised.

15. Based on the gaps identified either in the EHRIA Screening or independently of this process, how have you now explored the following and what does this information/data tell you about each of the diverse groups?
- a) current needs and aspirations and what is important to individuals and community groups (including human rights);
  - b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);
  - c) likely barriers that individuals and community groups may face (including human rights)

<b>16.</b>	Is any further research, data collection or evidence required to fill any gaps in your understanding of the potential or known affects of the policy on target groups?
When considering who is affected by this proposed policy, it is important to think about consulting with and involving a range of service users, staff or other stakeholders who may be affected as part of the proposal.	
<b>17.</b>	Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you further consulted with those affected on the likely impact and <u>what</u> does this consultation tell you about each of the diverse groups?
<b>18.</b>	Is any further consultation required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?

<b>Section 3</b>	
<b>B: Recognised Impact</b>	
<b>19.</b>	Based on any evidence and findings, use the table below to specify if any individuals or community groups who identify with any 'protected characteristics' are <u>likely</u> be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face.
	<b>Comments</b>
<b>Age</b>	
<b>Disability</b>	
<b>Gender Reassignment</b>	
<b>Marriage and Civil Partnership</b>	
<b>Pregnancy and Maternity</b>	
<b>Race</b>	
<b>Religion or Belief</b>	
<b>Sex</b>	
<b>Sexual Orientation</b>	
<b>Other groups</b> e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	
<b>Community Cohesion</b>	

20.	<p>Based on any evidence and findings, use the table below to specify if any particular Articles in the Human Rights Act are <u>likely</u> apply to your policy. Are the human rights of any individuals or community groups affected by this proposal? Is there an impact on human rights for any of the protected characteristics?</p>	
	<b>Comments</b>	
<b>Part 1: The Convention- Rights and Freedoms</b>		
<b>Article 2: Right to life</b>		
<b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b>		
<b>Article 4: Right not to be subjected to slavery/ forced labour</b>		
<b>Article 5: Right to liberty and security</b>		
<b>Article 6: Right to a fair trial</b>		
<b>Article 7: No punishment without law</b>		
<b>Article 8: Right to respect for private and family life</b>		
<b>Article 9: Right to freedom of thought, conscience and religion</b>		
<b>Article 10: Right to freedom of expression</b>		
<b>Article 11: Right to freedom of assembly and association</b>		
<b>Article 12: Right to marry</b>		
<b>Article 14: Right not to be discriminated against</b>		
<b>Part 2: The First Protocol</b>		
<b>Article 1: Protection of property/ peaceful enjoyment</b>		
<b>Article 2: Right to education</b>		
<b>Article 3: Right to free elections</b>		

<b>Section 3</b>	
<b>C: Mitigating and Assessing the Impact</b>	
Taking into account the research, data, consultation and information you have reviewed and/or carried out as part of this EHRIA, it is now essential to assess the impact of the policy.	
<b>21.</b>	If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons.
N.B.	
i) If you have identified adverse impact or discrimination that is <u>illegal</u> , you are required to take action to remedy this immediately.	
ii) If you have identified adverse impact or discrimination that is <u>justifiable or legitimate</u> , you will need to consider what actions can be taken to mitigate its effect on those groups of people.	
<b>22.</b>	Where there are potential barriers, negative impacts identified and/or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.
	<ul style="list-style-type: none"> <li>a) include any relevant research and consultations findings which highlight the best way in which to minimise negative impact or discrimination</li> <li>b) consider what barriers you can remove, whether reasonable adjustments may be necessary, and how any unmet needs that you have identified can be addressed</li> <li>c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why</li> </ul>

<b>Section 3</b>	
<b>D: Making a decision</b>	
<b>23.</b>	Summarise your findings and give an overview as to whether the policy will meet Leicestershire County Council's responsibilities in relation to equality, diversity, community cohesion and human rights.

<b>Section 3</b>	
<b>E: Monitoring, evaluation &amp; review of your policy</b>	
<b>24.</b>	Are there processes in place to review the findings of this EHRIA and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?
<b>25.</b>	How will the recommendations of this assessment be built into wider planning and review processes? <i>e.g. policy reviews, annual plans and use of performance management systems</i>

**Section 3:  
F: Equality and human rights improvement plan**

Please list all the equality objectives, actions and targets that result from the Equality and Human Rights Impact Assessment (EHRIA) (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Objective	Action	Target	Officer Responsible	By when



## Section 4: Sign off and scrutiny

Upon completion, the Lead Officer completing this assessment is required to sign the document in the section below.

It is required that this Equality and Human Rights Impact Assessment (EHRIA) is scrutinised by your [Departmental Equalities Group](#) and signed off by the Chair of the Group.

Once scrutiny and sign off has taken place, a depersonalised version of this EHRIA should be published on Leicestershire County Council's website. Please send a copy of this form to [louisa.jordan@leics.gov.uk](mailto:louisa.jordan@leics.gov.uk), Members Secretariat, in the Chief Executive's department for publishing.

### Section 4 A: Sign Off and Scrutiny

Confirm, as appropriate, which elements of the EHRIA have been completed and are required for sign off and scrutiny.

Equality and Human Rights Assessment Screening

Equality and Human Rights Assessment Report

1<sup>st</sup> Authorised Signature (EHRIA Lead Officer):

..... *CS Davis* .....

Date: .....<sup>20<sup>th</sup></sup> December 2017 .....

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2<sup>nd</sup> Authorised Signature (DEG Chair): .....

Date: .....<sup>20<sup>th</sup></sup> December 2017 .....

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