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Bridgend County Borough Council



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**Cyfarwyddiaeth y Prif Weithredwr / Chief  
Executive's Directorate**

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Eich cyf / Your ref:

**Dyddiad/Date:** Thursday, 28 February 2019

Dear Councillor,

**CABINET COMMITTEE CORPORATE PARENTING**

A meeting of the Cabinet Committee Corporate Parenting will be held in the Committee Rooms 2/3, Civic Offices Angel Street Bridgend CF31 4WB on **Wednesday, 6 March 2019 at 10:00.**

**AGENDA**

1. Apologies for Absence  
To receive apologies for absence from Members.
2. Declarations of Interest  
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 8  
To receive for approval the minutes of 10/01/2019
4. Children's Social Care - University Support Packages for Care Leavers - Policy 9 - 52
5. Urgent Items  
To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should be reason of special circumstances be transacted at the meeting as a matter of urgency.

Yours faithfully

**K Watson**

Head of Legal and Regulatory Services

Councillors:

MC Clarke  
N Clarke  
HJ David

Councillors

T Giffard  
CA Green  
RM James

Councillors

CA Webster  
DBF White  
PJ White

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DK Edwards  
J Gebbie

D Patel  
CE Smith

HM Williams  
RE Young

# Agenda Item 3

## CABINET COMMITTEE CORPORATE PARENTING - THURSDAY, 10 JANUARY 2019

### MINUTES OF A MEETING OF THE CABINET COMMITTEE CORPORATE PARENTING HELD IN CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 10 JANUARY 2019 AT 10:00

#### Present

Councillor PJ White – Chairperson

HJ David	DK Edwards	J Gebbie	T Giffard
CA Green	RM James	D Patel	CE Smith
CA Webster	DBF White	HM Williams	RE Young

#### Apologies for Absence

MC Clarke and N Clarke

#### Officers:

Susan Cooper	Corporate Director - Social Services & Wellbeing
Val Jones	Regional Adoption Manager
Andrew Rees	Senior Democratic Services Officer – Committees

#### 184. DECLARATIONS OF INTEREST

Councillor DBF White declared a prejudicial interest in agenda item 5 – Monitoring the Performance and Progress of the Western Bay Regional Adoption Service as he is employed by Swansea Council which is part of Western Bay and withdrew from the meeting during consideration of the item. Councillor DBF White declared a personal interest in agenda item 6 – Care Inspectorate Wales – Inspection of Western Bay Adoption Service – Action Plan and remained in the meeting to hear the presentation.

#### 185. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Cabinet Committee Corporate Parenting of 17 October 2018 be approved as a true and accurate record.

#### 186. REMODELLING FOSTERING SERVICES PROJECT

The Head of Children's Social Care reported on the work which has been undertaken as part of the Remodelling Foster Services project and the resulting changes to Fostering Services.

She informed the Committee that a wide-reaching review of residential services has been undertaken, with fostering services identified where further service development and potential efficiencies could be made. She outlined the proposals made, the initiatives which had been implemented together with the main changes and proposals following the review.

The Head of Children's Social Care reported that the Fostering Team has been separated into two distinct areas; one with responsibility for relative carers and one with responsibility for general foster carers. She informed the Committee that the existing five liaison carer roles will be maintained, with one being dedicated to relative carers and the other four to general carers. In respect of training, in the short term, the Skills to Foster course will be reshaped to align with the Directorate wide training programme. In the longer term, it was proposed to strengthen in-house training for foster carers, through the development and delivery of in-house courses.

The Head of Children's Social Care informed the Committee that for payments and fees to be competitive with Independent Fostering Agencies (IFAs), the authority needs to pay fees to general carers at an earlier stage in their fostering career. Foster carers would receive a fee, post approval, with the expectation they complete the core training programme within their first year. In terms of upskilling of foster carers and as part of the fee eligibility process the criteria for receiving higher fees will also include attendance at support groups. In respect of bonuses, carers would be offered a £250 bonus when they refer a friend to be a foster carer for Bridgend, which is paid when that new person is approved and they receive their first placement.

The Head of Children's Social Care informed the Committee that a new process to review IFA placements which have been in place less than 16 weeks has been implemented, with a view to transferring as many of these placements as possible in-house. She stated that a long-term marketing campaign will be implemented, aimed at maximising the number of in-house foster carers. She informed the Committee that two members of social work staff who are responsible for promoting and assessing potential Special Guardianship Order applicants are now situated within the Fostering Team. The Head of Children's Social Care informed the Committee of the appointment of a Development Officer and additional assessing social work capacity for the Fostering Team is underway.

The Chairperson welcomed Rebecca Walsh and Clive Richards to the meeting to hear their views and experiences as foster carers.

Mr Richards informed the Committee of his involvement in the remodelling project with the Interim Group Manager Placements which had been well put together. He stated that there is a need to implement changes and commented that there are very committed foster carers in Bridgend.

Ms Walsh informed the Committee of the changes which have occurred over recent years which had resulted in foster carers returning from Independent Fostering Agencies (IFAs) to Bridgend. Ms Walsh commented on the need for foster carers to work together with the authority in order to make things better for children and to save on out of county placements.

The Cabinet Member Communities thanked the foster carers for their comments and also the work of officers and the input of foster carers for turning the service around as part of the remodelling project ensuring that the majority of carers are in-house.

The Committee requested detail on the number of children in foster placements and the figures of foster placements over the past 3 years. The Head of Children's Social Care informed the Committee there are 279 children in Bridgend living within a fostering placement, 58 children are placed with IFA providers, 156 children are with in-house carers and 65 placed with Relative (kinship) carers. She stated that it was encouraging that the numbers of fostering placements are going in the right direction with fewer children being in IFA placements, in that 70 children were in IFA placements in the previous year.

The Committee questioned the foster carers what improvements had been put in place from their perspective. Ms Walsh informed the Committee that training has improved as there are many different aspects needed to equip foster carers. She stated that foster carers are able to have telephone contact with the Department and are able to source training and have access to a pool of resources available to them. The improvements made to training are due to the efforts of the Team of officers and foster carers. The Corporate Director Social Services and Wellbeing informed the Committee that foster

carers are seen as part of a bigger team and the service is able to respond more flexibly to need and be proactive rather than being reactive. She stated that these were exciting times and there was a need to keep the momentum going. She commented on the success of the recent Christmas party which had been attended by over 100 people, which she and the Cabinet Member also had the privilege to attend. She also commented on the importance of training to foster carers in order to build up their skills and their families.

The Interim Group Manager Placements informed the Committee that it had been possible to use as a resource the extended families of foster carers. Foster carers are given a clearer voice and the Team and foster carers have worked hard to ensure foster caring is family based and that carers are part of the wider team.

The Committee thanked the foster carers for their dedication in making the lives of children better. The Committee questioned there had been an increase in children being fostered with complex needs. Ms Walsh commented there had been an increase in children in foster care with complex needs and there was support within the team by giving foster carers skills to keep the placements in-house. Mr Richards commented that the fostering landscape had changed with the advent of social media and relatives of foster children presenting challenges. He stated that uppermost is that children need to have stability and routine and not having to move around foster carers.

The Committee questioned whether schools are playing a supporting role in fostering. Mr Richards informed the Committee that schools are now more proactive and identify needs straight away, especially in the primary school sector.

The Committee questioned whether problems are encountered with other local authorities who place children within this county. The Head of Children's Social Care informed the Committee that this authority works well with placing authorities and there are robust arrangements in place and no issues had been brought to her attention.

The Committee questioned the timescale for the review of the fee structure being completed. The Head of Children's Social Care informed the Committee that the review is in its third phase. She stated that fees vary and there is an opportunity to influence IFAs by removing the element of competition. The review of the fee structure should be complete by the Spring. The Head of Children's Social Care also informed the Committee that each case is considered individually and a cautious approach is undertaken. She stated there were no plans to move children where it was not in the best interests to do so.

Ms Walsh informed the Committee that the establishment of an accessible hub should be considered where foster carers, social workers and families can meet as some visits have been taking place in the public areas of Civic Offices. The Corporate Director Social Services and Wellbeing informed the Committee that many contact visits take place in the Civic Offices and alternatives are being considered due to the lack of parking and it not being child-friendly. She stated there was a need for a solution to be looked at as a priority with partners and that areas in the Civic Offices where contact visits take place are used which can be seen by the public must cease immediately. The Committee commented on the need for it to be informed of safe venues to hold contact visits with families.

The Committee commented that foster carers had been lost to IFAs and there was a need for an element of work on the review of fees. The Head of Children's Social Care informed the Committee that there is a basic fee which is paid to carers and further allowances based on holidays, birthdays and the age of the child being fostered. Foster carers were being incentivised to go IFAs, but there was now recognition that training

and support is better in-house. The Committee commented on the need for a nationally adopted fee structure.

The Chairperson commented that the in-house service is more inclusive and that the welfare of children and not money is uppermost. He thanked the foster carers for the valuable contributions they had made to the meeting.

**RESOLVED:** That the Committee noted the information contained in the report.

187. **MONITORING THE PERFORMANCE AND PROGRESS OF THE WESTERN BAY REGIONAL ADOPTION SERVICE**

The Regional Adoption Manager reported on the performance and progress of the Western Bay Regional Adoption Service (WBAS), including the Annual Report on Regional PI Performance 2017/18.

The Regional Adoption Manager reported that the WBAS is integrated into the National Adoption Service (NAS) as one of the five identified regional collaboratives. She outlined the management and oversight arrangements for the National Service which consists of a Governance Board; an Advisory Group and the Director of Operations and Central Team.

The Corporate Director Social Services and Wellbeing informed the Committee that following the Health Board boundary change, it was likely that Bridgend would be required to form part of the Vale, Valleys and Cardiff regional collaborative, although it had been agreed that Bridgend would remain as part of the Western Bay collaborative, with the transition to a new region not taking place before April 2020 at the earliest.

The Regional Adoption Manager reported on the key achievements for the year, with the number of children placed showing a slight increase on the previous year. More children were placed with Western Bay adopters than in inter agency placements during the year. She stated there had been an improvement in the number of children who had Life Story Materials provided to adopters. The average time taken to approve adopters from inquiry stage to Agency Decision Making decision had decreased from 9.7 months to 8.2 months compared to the national benchmark of 8 months. Investment had been made in developing the WBAS website making it more interactive, user friendly and including the active offer. A members' page was also being developed and there are child friendly pages to encourage children to access the site. She informed the Committee that development and implementation of the Transition/Moving on model to assist in improving the preparation of children for adoption and in the provision of Life Story material has continued to be rolled out with training to staff across the region.

The Regional Adoption Manager informed the Committee that work was taking place to improve website access and to develop a revised All Wales marketing and recruitment strategy.

The Committee questioned whether the adoption service gets the same level of publicity as the fostering service. The Regional Adoption Manager informed the Committee that there is a great deal of activity concentrated on raising the profile and awareness of adoption. The Head of Children's Social Care informed the Committee that the fostering service is more locality based, while adoption is a more national and regional service.

The Committee referred to the further development work planned for the IT system to feed into the reporting system and commented that data capture would be more complex. The Regional Adoption Manager informed the Committee that work is ongoing with Neath Port Talbot Council's ICT Department on data capture work. She stated that

data capture is resource intensive with the need to work across the region's 3 local authorities, moving the ICT systems within the adoption service on to the WCCIS system was being considered as the current system can be cumbersome.

The Committee asked which marketing campaign has been successful and why. The Regional Adoption Manager did not believe that any of the marketing which had been run had been more successful than others. She stated that the service is working with the NAS on developing newer ways of working.

The Committee requested an explanation of what Birth Record Counselling involved. The Regional Adoption Manager explained that these are requests received from adults who were adopted seeking historical information on their adoption.

The Committee congratulated the service on its success in placing groups of siblings together. The Regional Adoption Manager informed the Committee that the interests of children had been promoted in order to attract potential adopters.

The Committee requested clarification on the difference between Western Bay and Inter-agency adopters. The Regional Adoption Manager explained that Western Bay adopters are adopters who are approved by the region, while Inter-agency adopters are those that are approved by other local authorities or other agencies. Adopters can access details of children for adoption through an interactive site online known as Link Maker. Not all children are on this site, but there are proposed changes in the arrangements for the Adoption Register Wales, which would be hosted by Linkmaker and all Welsh children will be registered on this system

The Committee was pleased to see the work being done on life journeys and placed on record its thanks to the service as adoptions are more difficult to achieve during times of austerity.

The Corporate Director Social Services and Wellbeing informed the Committee that with the impending change in health board boundary, work is ongoing on the transfer of services to Cwm Taf. She stated that the adoption service is not ready for transfer as Cwm Taf is part of a larger adoption region comprising five local authorities. There are a number of considerations requiring transitioning and it would take longer to transfer the adoption service to the new region.

**RESOLVED:** (1) That the Committee considered and noted the performance and progress of the Regional Adoption Service;

(2) That consideration be given to future adoption marketing campaigns and how elected members can play a part in promoting those campaigns.

188. **CARE INSPECTORATE WALES - INSPECTION OF WESTERN BAY ADOPTION SERVICE - ACTION PLAN**

The Committee received a presentation from the Regional Adoption Manager on an overview of the Inspection findings and recommendations relating to the Care Inspectorate Wales inspection of the Western Bay Adoption Service.

The Regional Adoption Manager informed the Committee that an action plan was developed in response to the recommendations made by the CIW, which is being monitored by the Regional Adoption Management Board. She provided updates against each recommendation which demonstrated the progress achieved since the publication of the Inspection report.

The Committee commended the good work and practice of the region which had been recognised by the CIW, but expressed concern with the transition of the service next year to the Vale, Valleys and Cardiff region and whether sufficient resources had been devoted to transfer ICT systems due to the boundary change. The Corporate Director Social Services and Wellbeing informed the Committee that it had been agreed that a longer time is required prior to the transfer of the adoption service to the new region with a transition year in place and scoping work is being undertaken. If there is a requirement for more than a year to transition, a case will be put together for an extension. A sum of money is set aside to transition the service. The Corporate Director Social Services and Wellbeing also informed the Committee that 1.5 officers had been allocated to the project and there is a need to scope whether there are sufficient resources available. The Head of Children's Social Care informed the Committee of the many work streams within the WCCIS system, which would make it easier to move ICT systems across. The Committee questioned whether there is an opportunity to do one transition to the WCCIS system. The Corporate Director Social Services and Wellbeing commented that it could be feasible as both RCT and Merthyr Tydfil Councils use WCCIS.

- RESOLVED:**
- (1) That the Committee noted the CIW report on the inspection of the Western Bay Adoption Service, the associated Action Plan and the CIW report on the Review of the national Adoption Arrangements;
  - (2) That the Committee conveyed it's thanks to the Regional Adoption Service on the outcome of the inspection and requested a report to the Committee so that it can be reassured that all the recommendations in the Action Plan are being addressed.

189. **URGENT ITEMS**

There were no urgent items.

The meeting closed at 11:40



## BRIDGEND COUNTY BOROUGH COUNCIL

### CABINET COMMITTEE CORPORATE PARENTING

6<sup>th</sup> MARCH 2019

#### REPORT OF THE CORPORATE DIRECTOR, SOCIAL SERVICES AND WELLBEING

#### CHILDREN'S SOCIAL CARE – UNIVERSITY SUPPORT PACKAGES FOR CARE LEAVERS

##### 1. Purpose of Report

- 1.1 To present to the Committee the Policy on University Support Packages for Care leavers for comment. The Policy is attached at **Appendix 1** and is being presented to Cabinet on 19<sup>th</sup> March 2019 for approval.

##### 2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 This report assists in the achievement of the following corporate priority/priorities:-

1. **Supporting a successful economy** – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
2. **Helping people to be more self-reliant** – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.

##### 3. Background

- 3.1 As noted in the previous report of 30<sup>th</sup> January 2018, the Local Authority has, for many years, provided young care leavers with financial assistance to attend university and higher education courses. This financial support has enabled young people to meet the costs of term time and vacation accommodation, pay for tuition fees and receive weekly maintenance payments.
- 3.2 Such assistance has been provided to young people in the absence of an agreed and ratified policy and it has been acknowledged that the approach to the levels of support offered has developed through custom and practice within children's social care. Such an approach cannot guarantee consistency of practice or ensure equity of the financial support provided to individuals.
- 3.3 There is currently no identified budget specifically from which this financial support can be drawn from and to date it has come out of the care leavers generic support budget.
- 3.4 In September 2016, the Cabinet Secretary for Education published the Diamond Report which proposed a costed package of recommendations for the future funding of higher education in Wales. Welsh Government has accepted these recommendations and is implementing them during the academic year 2018/19.

- 3.5 The Local Authority is currently supporting nine care leavers to attend university, and has identified that over the next three years this number is likely to increase. This is very positive and, in order to achieve the best outcomes for young care leavers, it is necessary to devise a policy that ensures appropriate levels of financial support, fairness and consistency so that Bridgend can sustain suitable levels of support into the future.
- 3.6 The Social Services and Wellbeing (Wales) Act 2014, (SSWBA), lays down the Local Authority's responsibilities with regards to care leavers over the age of 18 who wish to continue their education and sets out what financial assistance the Local Authority MUST provide. This will be the basis from which the policy is developed.
- 3.7 In her Hidden Ambitions spotlight report published in February 2017, the Children's Commissioner for Wales, Sally Holland, asks local and national government to pledge their support to realising the ambitions of young people leaving care. The Commissioner wants to ensure that young people leaving care have the same expectations in terms of care and support as their peers and to have an education that helps them to fulfil their potential. To show commitment to care experienced children and young people Welsh Government wants to guarantee financial support for care leavers going onto higher education.
- 3.8 Welsh Government will no longer be providing students with Tuition Fee Grants. Instead students will be eligible for, and will be supported to apply for:
- a Tuition Fee Loan to cover the total amount of their £9,000 fees each year which they will have to pay back once earning over an agreed amount;
  - the non-repayable Welsh Government Living Costs Grant of £8,100 a year and an additional £1,125 maintenance is also available should they require it.
- 3.9 Bridgend County Borough Council (BCBC) has recognised a need to devise a policy that ensures appropriate levels of financial support, fairness and consistency to its care leavers, so that they are not disadvantaged financially and encouraged to take some financial responsibility for their own education and future.
- 3.10 On 30<sup>th</sup> January 2018 Cabinet received a report which set out three financial proposals to support care leavers attending University.
- 3.11 All three options were consistent in ensuring that BCBC is compliant with the Social Services and Wellbeing (Wales) Act, 2014 in that it funds vacation time accommodation and provides each student with a £2,000 bursary payment as a minimum. The different options proposed vary in what is provided to each student in addition to this minimum requirement.

#### **4 Current Situation/Proposal**

- 4.1 On 18<sup>th</sup> September 2018, Cabinet received a report on the consultation and the three options. Option 3 was approved, namely:
- The student pays their tuition fee of £9,000 per year through a repayable loan. BCBC provides the student with a weekly incentive payment during term time (e.g. £25 per week).

- The student pays for their accommodation and living costs during term time through loans/grants.
  - Any additional maintenance / discretionary payments made to individuals will be based on an individual assessed need basis.
- 4.2 The policy that has been developed outlines the arrangements to deliver this approach. Care leavers would be supported to apply for loans and grants to pay for their tuition fees. Children’s social care would provide the student with a weekly allowance and a bursary in addition to the grants they are entitled to access. The student would not be expected to start repaying the loan until they are in full time employment and receiving a salary which enables them to do this without compromising them financially. The repayment of such a loan would not commence until the individual is in receipt of an annual income of £25,000 a year.
- 4.3 The tuition fee will be the largest cost repayable as per the conditions noted above.
- 4.4 This option would allow greater independence and financial security on a weekly basis by enabling the student to manage a weekly allowance provided by Children’s social care giving the student the flexibility to manage monies for food and social activities.
- 4.5 The policy promotes the students personal financial investment in their own education and by making applications for loans and grants will place them on an even financial platform as the majority of other students.
- 4.6 The policy also enables Children’s Social Care to financially support care leavers by making discretionary payments to students who may find themselves in times of hardship depending on their personal circumstances.
- 4.7 The policy will encourage money management which is in line with the ethos behind the Diamond Report. This report emphasizes a “move towards improved maintenance and support arrangements for all full time and part time undergraduate students, with the highest level of grant support covering the full cost of maintenance for those most in need, together with subsidised loans to cover full cost of tuition fees.’ There is a clear principle of ‘no upfront fees’ within the report that also encourages financial support equivalent to the national living wage.
- 4.8 The policy allows the student financial independence and security on a weekly basis by means of a weekly allowance not forgetting that the student will have access to a substantial grant and bursary. The care leaver will be supported financially but there will be a more equitable balance between a loan (from the student loan company), a grant and discretionary payment from BCBC. Loans would be accessed through the student loan company which is a non profit making government owned organisation set up in 1989. Care leavers will also continue to receive emotional and practical support. Students as care leavers will be eligible for on-going support and advice from Children’s Social Care and they will also be able to access the same from student welfare services to support them in the management of these monies.

## **5. Effect upon Policy Framework and Procedure Rules**

- 5.1 There is no impact on the Policy Framework and Procedure Rules.

## **6. Equality Impact Assessment**

- 6.1 An EIA was completed which shows there will be an impact on a small group of young people. The EIA is attached at **Appendix 2**. However the intention of the Policy is to ensure this cohort of young people receive financial support.

## **7. Well-being of Future Generations (Wales) Act 2015 Implications**

- 7.1 The implementation of the duties and responsibilities under the Social Services and Wellbeing Act (Wales) (SSWBA) 2014, in turn, supports the promotion of two of the seven goals of the Well-Being of Future Generations (Wales) Act 2015 within the County Borough of Bridgend. By promoting an environment that maximises people's physical and mental well-being and by supporting children, young people, adults and their carers and families to fulfil their potential no matter what their circumstances, the wellbeing goals of a Healthier and more equal Bridgend and Wales are supported.
- 7.2 The Wellbeing of Future Generations (Wales) Act 2015 provides the basis for driving a different kind of public service in Wales, with five ways of working to guide how the Authority should work to deliver wellbeing outcomes for people. The following is a summary to show how the five ways of working to achieve the well-being goals have been considered in this report:
- Long Term – Social Services is demand led and the SSWBA focusses on wellbeing outcomes for the future. There is a requirement to meet the needs of people in the longer term and, as such the Local Authority has acknowledged the need to develop a policy to financially support its care leavers to attend university.
  - Prevention – the report is about the consultation on three financial options. This will ensure that need is anticipated and resources can be more effectively directed to better support care leavers and manage demand.
  - Integration – the implementation of the SSWBA requires local authorities to work with partners, to ensure care and support for its care leavers who wish to attend university is provided. The report evidences consultation with education professionals with this regard and with a view to enabling care leavers to access employment.
  - Collaboration – This will be managed in order to provide the best possible intervention for care leavers wishing to attend university.
  - Involvement – the key stakeholders are the people who use social care. There is considerable engagement including surveys, stakeholder meetings, feedback forms and the complaints process. The provision of accessible information and advice helps to ensure that the voice of adults, children and young people is heard.

## **8.0 Financial Implications**

- 8.1 Those young people who are already in University continue to receive support as per our current arrangements.
- 8.2 Financial implications are within the body of the report above.
- 8.3 In summary
- The Authority pays weekly incentive for 40 weeks (e.g. £25 per week)

- Student receives tuition fee of £9,000 from Tuition Fee Loan
- Student funds accommodation and maintenance costs from Living Costs Grant
- Discretionary payments will also be considered

8.4 As with all students there will be a risk that the student will find it hard to manage financially. However they will continue to receive emotional and practical support from the leaving care team.

8.5 The student will benefit from the weekly incentive payment in addition to the loans and grants available to them. The Bursary (one third of £2,000) will be provided at the completion of each academic year to support the student over summer vacation from university. The incentive payment can be made weekly or monthly to support the student.

8.6 There will be no additional cost to the Local Authority by the introduction of this Policy.

## **9.0 Recommendation**

9.1 Corporate Parenting Committee is asked to comment on the Policy prior to it being presented to Cabinet on 19<sup>th</sup> March 2019 for approval.

**Susan Cooper**  
**Corporate Director, Social Services and Wellbeing**  
**February 2018**

**10. Contact Officer: Elizabeth Walton-James**  
 Telephone: 01656 642073  
 Email: elizabeth.walton-james@bridgend.gov.uk

**11. Background Documents**  
 None

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# CHILDRENS SOCIAL CARE

## University Support Packages For Care Leavers Policy

Issued: January 2019

Review Date	January 2022	By: Head of Children's Social Care
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## **1. INTRODUCTION**

- 1.1 This policy sets out how Bridgend County Borough Council will support eligible care leavers in Bridgend to attend university, whilst encouraging them to take responsibility and financial ownership for their educational attainment and future employment.**
- 1.2 A framework of financial, emotional and practical support is available for care leavers moving on to Higher Education, which is person-centered and reflective of individual needs, ensuring that young people have the resilience and life tools needed to achieve their full potential.

## **2. LEGISLATIVE CONTEXT**

- 2.1 This policy has been written to comply with the provisions of:
- The Wellbeing of Future Generations (Wales) Act 2015
  - The Social Services and Wellbeing (Wales) Act 2014
  - The Children's Act 1989
- 2.2 Other legislation such as: the Human Rights Act 1998 and the Equality Act 2010 may also be relevant to particular circumstances, such as providing accessible information about the support that is available that can be understood by Individuals with various disabilities.

## **3. POLICY OBJECTIVES**

- 3.1 The objectives of this policy are for eligible young care leavers in Bridgend to be supported to access Higher Education and to have consistent practical, emotional and financial support that enables them to maintain their university placement and gain their desired qualification.

## **4. ELIGIBILITY CRITERIA**

- 4.1 As Corporate Parent, the Local Authority has a legal duty to provide care and support to children and young people in care. Any eligible care leaver in Bridgend, defined as follows and who has achieved the requisite qualification(s) required for university, will be eligible for the support outlined in this policy:
- A care leaver aged 18 or over who was being looked after by the Local Authority when he or she reached the age of 18;
  - A former care leaver under the age of 25 who reconnects to care for education or training purposes;

- A young person under the age of 21 who left care under a Special Guardianship Order.
- 4.2 The Local Authority may also give support in certain circumstances if the young person is under the age of 25 and left care under a Special Guardianship Order. Such circumstance is where the Local Authority may disregard any interruption in education if it is satisfied that the young person will resume the programme as soon as reasonably practicable. In these circumstances, it may provide the young person with suitable out-of-term time accommodation, or pay enough to secure suitable accommodation.

## **5. POLICY SCOPE**

- 5.1 This policy and its associated procedures have been comprehensively revised in order to reflect legislation and best practice. Amendments to the policy will be subject to approval by the Local Authority.
- 5.2 The policy is applicable to:
- all elected Members and officers of the Local Authority;
  - eligible care leavers in Bridgend.

## **6. FINANCIAL SUPPORT**

- 6.1 This policy requires that any care leaver who wishes to attend university should apply for all funding they are eligible for.
- 6.2 Care leavers will be supported by the Local Authority to apply for all financial support available to them, including:
- A Tuition Fee Loan to cover the amount of the care leaver's £9,000 university fees each year, which they will be required to repay once earning over an agreed amount;
  - The non-repayable, annual Maintenance Grant of £8,100 a year;
  - An annual Maintenance Loan of up to £1,125 should the care leaver require it;
- 6.3 The Local Authority will provide care leavers attending university with a higher education bursary to the value of £2000 over the life-time of the course they are attending. The bursary will be apportioned over the years of the course and paid to the student at the end of each academic year.
- 6.4 The Local Authority will also provide the care leaver with a weekly incentive payment during term time (£25 per week).
- 6.5 Additionally, the Local Authority will provide suitable accommodation

outside of term-time, or provide monies to the care leaver to secure suitable accommodation outside of term-time.

- 6.6 Having taken account of the young person's wishes, the Local Authority must be satisfied as to the character of the landlord or other provider and the suitability of the accommodation
- 6.7 Any additional discretionary payments made to individuals will be based on an individual assessed need basis. Examples of this include: monies to purchase course study materials and equipment; field trips; travel expenses; bond/rent in advance.
- 6.8 Setting up independent living money for the purchase of essential items, such as a fridge, cooker and bed can be held for the care leaver until they conclude their studies, or, if assessed as appropriate, they can access it prior to leaving for university.

## **7. FINANCIAL SCHEDULE/POSITION**

- 7.1 Appendix 1 indicates the range of financial support eligible to care leavers who are commencing Higher Education studies. As figures are based on the academic year 2018/19, these will be subject to change.

## **8. REPAYMENT ARRANGEMENTS**

- 8.1 The care leaver will not be required to start repaying their student loan to the student loan body until they are in full-time employment and receiving more than the minimum income 'repayment threshold', which is set by the government and is subject to change.
- 8.2 Should the care leaver decide to end their course early, they will still need to pay back any student loans that they have, and possibly any other bursaries or grants that they have received.

## **9. MONITORING, SUPPORT AND ENGAGEMENT**

- 9.1 Young people, having been cared for by the Local Authority, will have had on-going input to prepare them for the transition into adulthood, with a focus on key life skills such as money management, healthy living and cooking skills, self-care and presentation skills. Consequently it is anticipated they will be better placed to manage independent living.
- 9.2 As Corporate Parent, the Local Authority will continue to work on key life skills with young people throughout their Higher Education career. Therefore any financial and practical support for Higher Education will be

on the understanding that young people will remain in contact with the Local Authority and engage in the pathway planning process.

- 9.3 The pathway plan must set out the level and nature of the financial, emotional and practical support to be provided, and by whom, together with details of the accommodation the young person is to occupy, including an assessment of its suitability.
- 9.4 The pathway plan must also set out the arrangements for the care leaver and their personal advisor (PA) to keep in touch. The PA must have face-to-face contact with the care leaver. They may also encourage regular exchanges of communications via text, e-mails and telephone conversations, whichever being the most appropriate. The PA will also undertake regular visits to the accommodation where the young person lives.
- 9.5 Where the Local Authority has supported the young person to access suitable accommodation, they must arrange a review of the young person's pathway plan as soon as is practicable after the end of a period of 28 days beginning on the day on which the accommodation is first provided and determine at what intervals subsequent quarterly reviews will be carried out.
- 9.6 Where the young person is finding university life difficult, the Personal Advisor must take reasonable steps to meet with the young person and any professional person from the university to ensure the young person is supported to overcome those difficulties, in order to avoid disengagement and minimise the risk of the young person dropping off or being excluded from their course.
- 9.7 The Local Authority will also have a contingency plan in place in the event of the young person's pathway plan ceasing to be effective.
- 9.8 The young person will also have access to advocacy services throughout their time of study and whilst in higher education until they reach the age of 25yrs.

## **10. POLICY IMPLEMENTATION**

10.1 The authority will:

- ensure the effective application of this policy through support and monitoring
- monitor and update the procedures as required
- liaise with appropriate external agencies from time to time to ensure that the policy and procedures are kept up to date
- distribute the policy and procedures widely to staff

## **11. POLICY REVIEW**

- 11.1 The Local Authority is committed to the continuing development of the policy and will endeavor to maintain its accuracy and relevance. The policy will be reviewed in response to any proposed additions or amendments.

DRAFT

## Appendix 1

Source	Description	Annual Amount	Repayable	Payment schedule
Student Finance Wales	Tuition Fees	£9,000	Yes	Paid directly to the University
Student Finance Wales	Welsh Assembly Learning Grant/ Help with living costs Grant	*£8,100	No	Apportioned termly to student
Student Finance Wales	Maintenance Loan	*£1,125	Yes	Apportioned termly to student
Student Finance Wales	Childcare Grant	*85% of childcare cost	No	Termly to student
Student Finance Wales	Parents Learning Allowance	*£1,557	No	Apportioned termly to student
Student Finance Wales	Adult Dependent Grant	*£2,732	No	Apportioned termly to student
Student Finance Wales	Disabled Student Allowance	Depending on circumstances as assessed by SFW.	No	Termly to student
BCBC	Bursary	£667**	No	Annual payment to student
BCBC	Incentive payment	£1,000	No	£25 per week for 40 weeks to student
Higher Education Institution	National Scholarship Programme	Variable dependent on HEI	No	Termly to student
BCBC	Vacation Accommodation	Discretionary depending on student requirement.	No	Direct to student or Landlord as deemed appropriate.

\*Maximum

\*\*based on apportionment of £2,000 over a three year course

All figures are based on Student Finance Wales 2019/20 entitlements and are dependent on the student meeting the specific eligibility criteria for each grant.

Non repayable elements of financing are subject to conditions. If you leave your course early or an overpayment has been made to you, a repayment will be required.

# Equality Impact Assessment Toolkit

## Equality impact assessment (EIA) screening form

Please refer to the [guidance notes](#) when completing this form.

This form has been developed to help you to identify the need for EIA when developing a new policy, strategy, programme, activity, project, procedure, function or decision (hereafter all understood by the term policy). You must also complete this form when reviewing or revising existing policies. It will also help to prioritise existing policies that may need to undergo a full EIA.

Unless they are 'screened out' following this initial prioritisation process, policies **will** be required to undergo full EIA in priority order. Refer to the **above** guidance notes on when an equality screening should happen, and some initial principles to bear in mind when getting started.

**No new or revised policy should be approved unless an equality screening and, if required, a full EIA has taken place.**

The following sections must be completed for all new policies:

**Name of policy being screened:** Financial support for Care Leavers in University

**Brief description of the Policy:** The policy will set out how the Local Authority will financially support its care leavers whilst they are in University.

**Does this policy relate to any other policies?** There is no formal or ratified policy in place in relation to this. The Local Authority has been providing financial support to care leavers attending university for many years on a case by case basis and has been developed through custom and practice within children's services.

**What is the aim or purpose of the policy?** The aim of the policy is to ensure that the Local Authority provides an appropriate level of advice on accessing financial support to care leavers whilst they attend university and that any financial support from the Local Authority is provided with fairness and equity.

**Who is affected by this policy (e.g. staff, residents, disabled people, women only?)** Category three Care Leavers who are attending University (Age 18 – 24)

**Who is responsible for delivery of the policy?** Children’s Social Care, SS&WB Directorate

The following sections must be completed for all policies being reviewed or revised:

**Is this a review of an existing policy?** No – It will be a new policy

**If this is a review or amendment of an existing policy, has anything changed since it was last reviewed?**  
**Has an EIA previously been carried out on this policy?** N/A

**If an EIA exists, what new data has been collected on equality groups since its completion?** N/A

### **Screening questions**

1. **Is this policy an important or ‘large scale’ function, and/or is it likely the policy will impact upon a large number of staff, residents and/or contractors?**

No

[\(Guidance\)](#)



2. Is it possible that any aspect of the policy will impact on people from different groups in different ways? (See guidance for list of 'protected characteristics' to consider)

<b>Characteristic</b>	<b>Yes</b>	<b>No</b>	<b>Unknown</b>	<b>Explanation of impact</b>
<b>Age</b>		<b>x</b>		
<b>Disability</b>		<b>x</b>		
<b>Gender reassignment</b>		<b>x</b>		
<b>Pregnancy and maternity</b>		<b>x</b>		
<b>Race</b>		<b>x</b>		
<b>Religion/belief</b>		<b>x</b>		
<b>Sex</b>		<b>x</b>		
<b>Sexual orientation</b>		<b>x</b>		
<b>Civil Partnerships and Marriage</b>		<b>x</b>		

Yes

No

Unknown

[\(Guidance\)](#)

*Please expand on your answer:*

**3. What is the risk that any aspect of the policy could in fact lead to discrimination or adverse affects against any group of people? (See guidance for list of protected characteristics?)**

The policy may lead to a reduction in the amount of financial support from the Local Authority provided to care leavers attending university which in turn could lead to this group of young people having to take out financial loans.

What action has been taken to mitigate this risk?

[Guidance](#)

The Local Authority will ensure that appropriate advice is provided to enable young people intending to attend university to access relevant grants and loans, information on repayment schemes will also be included.

**4. Could any aspect of the policy help BCBC to meet the main public sector duties? Bear in mind that the duty covers 9 [protected characteristics](#). [Guidance](#)**

Duty	YES	NO	Unknown
Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act		x	
Advance equality of opportunity between persons who a relevant protected characteristic and persons who do not share it		x	

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it		x	
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**Please set out fully your reasoning for the answers given to question 4 including an awareness of how your decisions are justified.**

**6. Could any aspect of this “policy” assist Bridgend County Borough Council with its compliance with the Welsh Language Standards and the Welsh Language (Wales) Measure 2011 which are to consider:- No**

- whether the policy would impact on people’s opportunity to a) use the Welsh language in a positive or negative way and b) treat both languages equally;
- how the policy could be changed to have a positive effect or increase the positive effect on a) people’s opportunity to use the Welsh language and b) treating both languages equally;
- how the policy could be changed to minimise or remove any adverse effects on a) people’s opportunity to use the Welsh language and b) treating both languages equally.

**6. Are you aware of any evidence that different groups have different needs, experiences, issues and/or priorities in relation to this policy?**

No

[\(Guidance\)](#)

**Please explain fully the reasons for this judgement including an awareness of how your decisions are justified.**

This will be a new policy that will need consultation and cabinet approval.

**7. Is this policy likely to impact on Community Cohesion? No**

### **Conclusions**

**8. What level of EIA priority would you give to this policy? [\(Guidance\)](#)**

**HIGH** - full EIA within 6 months, or before approval of policy

**7. Will the timescale for EIA be affected by any other influence e.g. Committee deadline, external deadline, part of a wider review process? Deadlines for cabinet consultation and approval need to be met**

[\(Guidance\)](#)

**8. Who will carry out the full EIA? Equality officer and Kate Giltrap -16+ Team manager**

**EIA screening completed by: Kate Giltrap**

**Date: 09.11.2017**

**When complete, this initial screening form and, if appropriate, the full EIA form must be sent to [Paul Williams](#).**

## Full Equality Impact Assessment Guidance

This guidance should be used following the completion of an initial screening EIA form for which there is separate guidance.

### 1. What is a [Full Equality Impact Assessment](#)?

A Full Equality Impact Assessment is a systematic process of evidence gathering and analysis aimed at ensuring that public authorities are meeting their equality duty to better promote equality.

The Equality Act 2010 defines protected characteristics as Age, Disability, Gender reassignment, Marriage and civil partnership, Race, Religion or belief, Pregnancy and Maternity, Sex, Sexual orientation.

Additionally, in considering the impact on protected characteristic groups, we must consider the impact (positive or negative) of the “policy” on the Statutory Requirements of the Welsh Language Measure (2011) and the Welsh Language Standards imposed on the council as described within the full EIA template.

Full Equality Impact Assessments follow the same format and process as a Screening Impact Assessment but **require greater resources in terms of time and commitment to gather and analyse a wider range of evidence** than would normally be required for a Screening Impact Assessment. This extra commitment should be taken into account during the early planning stages of relevant policies.

Assessing the impact of proposed changes to policies and strategies is not just something the law requires, it is a positive opportunity to ensure decisions are based on robust evidence and that:

- decisions include a consideration of actions that would help to avoid or mitigate any unfair impact on individuals or groups who share protected characteristics;
- decisions are based on evidence;
- the decision-making process is transparent;
- there is a record of the equality considerations which have been taken into account.

For additional guidance on financial decision making see the following code of practice <https://www.equalityhumanrights.com/en/advice-and-guidance/making-fair-financial-decisions>

## 2. When do you undertake a Full Equality Impact Assessment?

Equality Impact Assessments are an integral part of the policy and strategy drafting process and must be done in the early stages of the policy and strategy planning. The assessment should inform the policy or strategy and must be considered carefully **before** a decision is made.

A Full Equality Impact Assessment **must be undertaken** if:

- a Screening Equality Impact Assessment has recommended that a Full Equality Impact Assessment be undertaken and /or;
- the policy or strategy is a major one in terms of scale or significance to BCBC's activities and there is a clear indication that it is likely to have an impact upon people who share a protected characteristic;
- although the policy or strategy is minor, it is likely to have a major impact upon people who share a protected characteristic.

## 3. Who is responsible for undertaking a Full Equality Impact Assessment?

The lead person who drafts or reviews a policy or strategy within the commissioning service area is responsible for conducting the assessment. Assessments are always more productive if undertaken by a small team of, for example, 3 people. Involvement of, or consultation with, BCBC's Equality Officer and Consultation and Engagement Officer is critical to ensure compliance.

Team members need enough knowledge of the service to make valid judgements and have an awareness of the needs and issues faced by people with protected characteristics. It is essential that the author or the reviewer of a policy and at least one other member of the team involved has undertaken EIA Training. The team's role is to discuss and share potential equality issues relating to the planned policy, gather and analyse evidence and inform the EIA.

## 4. Gathering Evidence

**Expert groups:** Early informal consultation with people who share protected characteristics can alert you to the possible effects of a planned policy or strategy which you can take into consideration when developing a policy or practice.

**Desktop research:** Identify, collect and analyse relevant quantitative and qualitative data, published research or information gathered by the Council, government and other bodies such as voluntary, community and trade union organisations to help your analysis. This evidence must be referred to or referenced within the EIA.

**Local research:** Some service areas routinely collect community views on planned new services or changes to strategies or projects. However it is important to recognise that some individuals and communities face a range of social, economic, cultural, communication, physical and / or sensory barriers to participation. To overcome these barriers a more proactive and often creative approach is sometimes needed to encourage and support their participation. It is important to review existing methods of gathering information, including customer satisfaction surveys, parents, tenants, resident meetings etc and identify how issues affecting people who share protected characteristics can be gathered, analysed and fed back to inform the EIA. This may require some changes to traditional consultation practice, venues need to be accessible and additional support may be required if you are to engage and record the views of protected characteristic individuals and communities.

**Lack of Information:** Any gaps and inadequacies in data should be documented within the EIA and must include a statement setting out how and when you will gather that information. Consider the possibility of collaborative research with other departments and partners. It is important that lack of data does not lead to a lack of action in tackling inequality.

## 5. Using evidence to inform EIA

It is crucial to use the evidence you collect to inform your assessment. This will help demonstrate that you have met the general duty and have shown due regard to eliminating discrimination, advancing equality and fostering good relations. A large part of your analysis will involve identifying differences between groups in relation to their needs, experience and barriers they face.

You should also analyse evidence to identify potential multiple disadvantages. For example, an Asian woman could have difficulties accessing services because of factors related to both gender and her race. You may also want to compare your evidence with other similar organisations, national sources of evidence, evidence from within the Council. For example:

- the percentage of ethnic minority people using services
- the number of women employed at a senior level.

- customer satisfaction levels for different equality groups.
- The data in Analysis of Economic inequality in Wales

**6. Publication of a Full EIA**

Full equality Impact assessments must be published.



## Full Equality Impact Assessment

<b>Name of project, policy, function, service or proposal being assessed:</b>	Financial Support for Care Leavers in University
<b>Date assessment completed</b>	10.08.18

At this stage you will need to re-visit your initial screening template to inform your discussions on consultation and refer to [guidance notes on completing a full EIA](#)

### 1. Consultation

		<b>Action Points</b>
<b>Who do you need to consult with (which equality groups)?</b>	No specific 'equality group' identified. Care leavers, LAC, Children Social Workers and Education consulted with.	
<b>How will you ensure your consultation is inclusive?</b>		

<p><b>What consultation was carried out? Consider any consultation activity already carried out, which may not have been specifically about equality but may have information you can use</b></p>	<p>On line consultation. Care leavers and LAC were directed to the consultation by their social workers and some were supported to completed the consultation</p>	
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**Record of consultation with people from equality groups**

<b>Group or persons consulted</b>	<b>Date, venue and number of people</b>	<b>Feedback, areas of concern raised</b>	<b>Action Points</b>
<p>Example: Bridgend Deaf Club</p>	<p>BSL Users meeting Date and venue  25 people in attendance.</p>	<p>Deaf people may be unaware of new service as information not available on BSL video.</p>	
<p>No equity groups identified</p>			

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## 2. Assessment of Impact

Based on the data you have analysed, and the results of consultation or research, consider what the potential impact will be upon people with protected characteristics (negative or positive). If you do identify any adverse impact you **must**:

- a) Liaise with the Engagement Team who may seek legal advice as to whether, based on the evidence provided, an adverse impact is or is potentially discriminatory, and**
- b) Identify steps to mitigate any adverse impact – these actions will need to be included in your action plan.**

Include any examples of how the policy helps to promote equality.

<b>Gender</b>	<b>Impact or potential impact</b>	<b>Actions to mitigate</b>
Identify the impact/potential impact on women and men.	No impact identified	

<b>Disability</b>	<b>Impact or potential impact</b>	<b>Actions to mitigate</b>
Identify the impact/potential impact on disabled people (ensure consideration of a range of impairments, e.g. physical, sensory impairments, learning disabilities, long-term illness).	No impact identified	
<b>Race</b>	<b>Impact or potential impact</b>	<b>Actions to mitigate</b>
Identify the impact/potential impact of the service on Black and minority ethnic (BME) people.	<b>No impact identified</b>	

<b>Religion and belief</b>	<b>Impact or potential impact</b>	<b>Actions to mitigate</b>
Identify the impact/potential impact of the service on people of different religious and faith groups.	<b>No impact identified</b>	
<b>Sexual Orientation</b>	<b>Impact or potential impact</b>	<b>Actions to mitigate</b>
Identify the impact/potential impact of the service on gay, lesbian and bisexual people.	<b>No impact identified</b>	
<b>Age</b>	<b>Impact or potential impact</b>	<b>Actions to mitigate</b>
Identify the impact/potential impact of the service on older people and younger people.	<b>No impact identified</b>	

<b>Pregnancy &amp; Maternity</b>	<b>Impact or potential impact</b>	<b>Actions to mitigate</b>
	<b>No impact identified</b>	
<b>Transgender</b>	<b>Impact or potential impact</b>	<b>Actions to mitigate</b>
	<b>No impact identified</b>	
<b>Marriage and Civil Partnership</b>	<b>Impact or potential impact</b>	<b>Actions to mitigate</b>
	<b>No impact identified</b>	

Under the Welsh Language Standards, EIAs must also consider:

- whether the policy would impact on people's opportunity to a) use the Welsh language in a positive or negative way and b) treat both languages equally;
- how the policy could be changed to have a positive effect or increase the positive effect on a) people's opportunity to use the Welsh language and b) treating both languages equally;
- how the policy could be changed to minimise or remove any adverse effects on a) people's opportunity to use the Welsh language and b) treating both languages equally.

<b>Welsh Language</b>	<b>Impact or potential impact</b>	<b>Actions to mitigate</b>
Identify the impact/potential impact on Bridgend County Borough Council, the Welsh Language, Welsh Culture, Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.	<b>No impact identified</b>	

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**The following Section only applies where there is a potential impact (negative, positive or neutral) on children**

### **United Nations Convention on the Rights of the Child (UNCRC)**

The UNCRC is an agreement between countries which sets out the basic rights all children should have. The United Kingdom signed the agreement in 1991. The UNCRC includes 42 rights given to all children and young people under the age of 18. The 4 principles are:

1. Non-discrimination
2. Survival and development
3. Best interests
4. Participation

This section of the Full EIA contains a summary of all 42 articles and some will be more relevant than others, depending on the policy being considered however, there is no expectation that the entire convention and its relevance to the policy under review is fully understood. The Engagement Team will review the relevant data included as part of its monitoring process. The EIA process already addresses two of the principle articles which are non-discrimination and participation. This section covers “Best interests” and “Survival and development”.



Some policies will have **no direct impact** on children such as a day centre for older people.

Some policies will **have a direct impact** on children where the policy refers to a childrens' service such as a new playground or a school.

Some policies will **have an indirect impact** on children such as the closure of a library or a cultural venue, major road / infrastructure projects, a new building for community use or change of use and most planning decisions outside individual home applications.

### **What do we mean by “best interests”?**

The “Best interest” principle does not mean that any negative decision would automatically be overridden but it does require BCBC to examine how a decision has been justified and how the Council would mitigate against the impact (in the same way as any other protected group such as disabled people).

- The living wage initiative could be considered to be in the “Best interests”. The initiative could potentially lift families out of poverty. Poverty can seriously limit the life chances of children.
- The closure of a library or cultural building would not be in the “Best interests” of children as it could limit their access to play, culture and heritage (Article 31.)

Please detail below the assessment / judgement of the impact of this policy on children aged 0 – 18. Where there is an impact on “Best interests” and “Survival and development”, please outline mitigation and any further steps to be considered.

<b>Impact or potential impact on children aged 0 - 18</b>	<b>Actions to mitigate</b>
No impact identified	

**It is essential that you now complete the action plan. Once your action plan is complete, please ensure that the actions are mainstreamed into the relevant Service Development Plan.**

### 3. Action Plan

Action	Lead Person	Target for completion	Resources needed	Service Development plan for this action
E.g. Information about the service to be available in BSL video on the website	Service manager	End of financial year	£XXS Staff time	X Service Plan

**Please outline the name of the independent person (someone other the person undertaking the EIA) countersigning this EIA below:**

**Please outline how and when this EIA will be monitored in future and when a review will take place:**

**Signed: Kate Giltrap**

**Date: 10.08.18**

#### **4. Publication of your results and feedback to consultation groups**

It is important that the results of this impact assessment are published in a user friendly accessible format.

It is also important that you feedback to your consultation groups with the actions that you are taking to address their concerns and to mitigate against any potential adverse impact.

Please send completed EIA form to [Paul Williams, Equality Officer](#)

# Equality Impact Assessments – Frequently Asked Questions

## 1: What is an Equality Impact Assessment (EIA)?

An EIA is a tool used to assess new policies/services/functions or changes to existing policies/services/function.

It involves examining a proposed policy/service/function or change to see whether it has the potential to affect different sectors of society in different ways and, in particular, whether there are likely to be any adverse impacts or negative consequences of the policy, service function or proposed change for any particular sector (s) of the diverse community.

Consultation with those most likely to be affected by the policy/service/function is an essential feature of an EIA. Where a negative or adverse impact is thought likely, measures to reduce or eliminate the negative or adverse impact must be considered.

## 2: What are the aims of an EIA?

The main aim of an EIA is to improve the quality of service and employment policies by ensuring that we think carefully about the likely impact of our work on different communities or groups.

Your role in carrying out an EIA is to assess whether there is an adverse impact caused by your policy, service, and function or in your proposals for change on one or more sectors of the diverse community.

## 3: An adverse impact

An adverse impact means negative consequences for one or more communities. The term disproportionate means significant differences in patterns of representation or outcome between groups.

When adverse or disproportionate impact is found it is important to take action to minimise, reduce or counterbalance the negative impact through other measures. Adverse or disproportionate impact may indicate direct or indirect discrimination on the part of BCBC and therefore a breach of the law.

A positive action policy, function or service targeted towards a sector of the diverse community which intentionally seeks to disproportionately impact on one or more sectors of the community is justifiable where there is evidence of the need for targeted information.

Examples of adverse/disproportionate impact that could be justified:

a) Specifically targeting management training towards groups currently under-represented in management levels of the organisation obviously has a disproportionate impact. However this is justified positive action.

b) The requirement by an employer for some roles to involve shift work would have a disproportionate impact on women by inadvertently discriminating against child-carers, who are more likely to be women. However, this may be justified if it is a key requirement of the role that they are performed round-the-clock, making shift-work inevitable

#### **4: Why do we need to carry out EIA's?**

There is a legal requirement to do so. EIAs help you identify improvements to services; make better decisions; identify how you can make your services more accessible and appropriate and to check whether there is anything you can do to promote equality and reduce inequalities.

#### **5: Who should do an EIA?**

Generally, those responsible for developing a policy or managing a function or service carry out the assessment. Where a function or service is jointly run between different departments or different organisations, care must be taken to ensure that every organisation involved can publish the EIA's (as they are required to by law), even if the work is done jointly, or the assessment was carried out by only one of the parties.

#### **6: What areas should an EIA cover?**

Equality Impact Assessments must cover the nine equality strands (race/ethnicity, gender, gender reassignment, age, disability, faith/religious belief, sexual orientation, pregnancy and maternity and civil partnerships and marriage) covered by current legislation. EIAs should also consider the impact of a policy on the Welsh language and Welsh culture.

Under the Welsh Language Standards, EIAs must also consider:

- whether the policy would impact on people's opportunity to a) use the Welsh language in a positive or negative way and b) treat both languages equally;
- how the policy could be changed to have a positive effect or increase the positive effect on a) people's opportunity to use the Welsh language and b) treating both languages equally;
- how the policy could be changed to minimise or remove any adverse effects on a) people's opportunity to use the Welsh language and b) treating both languages equally.

#### **7: What will happen if I fail to comply?**

Failure to conduct EIA could leave you open to legal challenge. Please see separate guidance on [recent legal cases](#)

Additional useful information can be found on the [BCBC Equalities Web Pages](#)

## Case Law

Although the Equality Act came into effect in 2010, the extensive case law that existed on the previous individual duties is directly relevant to the interpretation of the single duty. In addition, the Equality Act has been tested, with one notable and ground breaking ruling made regarding cuts made by Birmingham City Council in social care.

The following is a summary of some key legal challenges which have brought under previous requirements in respect of EIAs. They should help you understand the above guidance and how courts will consider any approach which does not answer the above questions.

### **Birmingham City Council and Social Services judgement**

The application of the duty concerned Birmingham City Council (BCC) and its decision to restrict eligibility for adult social care to only those individuals with 'critical' needs.

This meant that the Council would no longer offer free social care to those with substantial needs. Such needs include being unable: 'to carry out the majority of personal care or domestic routines' and 'the majority of family and other social roles and responsibilities'. For those who have substantial care needs but who do not have the means to fund care themselves, withdrawal of the support the Council provided would have a significant, detrimental impact on their day-to-day activities and lives.

BCC produced several equality impact assessments which purported to show 'due regard' to the disability equality duty. However, the judge held that 'due regard' had not in fact been shown. He noted the lack of assessment of the practical impact on those individuals affected by the change in eligibility. As a result, the judge found that both the budget and the resulting cuts to adult social care were unlawful and described the impact of the proposed move to 'critical only' care on disabled people as 'potentially devastating'.

Similarly, the courts found that BCC had not had 'due regard' in another judgment concerning cuts to funding to legal advice services. The Equality Impact Needs Assessment was found to have been driven by the hopes of the benefits to be gained from the new policy rather than focusing on the assessment of the degree of disadvantage to existing users, and how their needs could be alternatively met.



## **Brown -v- DWP**

One of the leading cases, *Brown -v- Secretary of State for Work and Pensions* (2008) set out some general principles. Mrs Brown was disabled and lived with her husband in Sussex. She could not stand or walk for long periods without acute pain. In late 2007, she discovered that the government was proposing to shut down a number of post offices in Sussex, including the branch in her village. Because of her disability, this would make it very difficult for her to access another post office further away.

In a legal challenge to the decision, Mrs Brown claimed that the government had failed to comply with its duties under the Disability Discrimination Act 2005, in particular its duty to pay due regard to the equality duties as it had not carried out a disability equality impact assessment of the closure proposal.

The court set out the following principles:

- Those responsible for the duty to have due regard must consciously bring it to mind when considering the duty. If they don't or if their appreciation of the duty is incomplete or mistaken, the courts will deem that due regard has not been applied.
- The due regard duty must be fulfilled before and at the time that a particular policy is being considered. Compliance with the duty should not be treated as a rear-guard action after a decision to implement the policy in question.
- It must be exercised with rigour and with an open mind. Due regard involves more than a tick box exercise. The "substance and reasoning" of the decision must be examined. However, a failure to make explicit reference to the relevant positive equality duty will not, of itself, be fatal to a decision.
- It is good practice for public authorities to keep an adequate record showing that they had actually considered their equality duties and pondered relevant questions.
- The due regard duty cannot be delegated to a third party by the public authority charged with it.
- The duty is on-going.
- When applying the "due regard" test, the public authority must take into account whatever countervailing factors are relevant in the circumstances.

## **Kaur -v- London Borough of Ealing**

This case dealt with the issue of whether a race impact assessment should have been carried out before the council decided to cut funding to a voluntary organisation, Southall Black Sisters (SBS). It provided services to Asian and Afro-Caribbean women who experience domestic abuse. In 2007-2008 they were partly funded by Ealing Borough Council.

The council decided in September 2007 that it would only fund borough-wide services provided to everyone experiencing domestic violence irrespective of gender, sexual orientation, race, faith, age, or disability.

SBS said that this would have a disproportionate adverse impact on black and minority ethnic (BME) women and pointed out that the council had not done a race equality impact assessment.

The council then undertook a “draft equality impact assessment”, which indicated that the impact on BME women would be monitored when the new arrangements were in place.

However, it did not carry out a full equality impact assessment. A few months later, the council confirmed its earlier decision to fund a single borough-wide service provider. The claimants, service users of SBS, successfully applied to judicially review this decision.

The court quashed the council’s decision and reiterated the importance of undertaking an equality impact assessment, and also the importance of carrying out an impact assessment before formulating policy.

## **R (Chavda and Others) v London Borough of Harrow**

In the case of R (Chavda and Others) v London Borough of Harrow, the High Court ruled that Harrow Council's decision to restrict adult care services to people with critical needs only was unlawful.

In making its ruling the High Court stated that Harrow Council had failed to carry out an equality impact assessment that gave proper and explicit consideration to disability when it introduced a policy change that had a significant impact on hundreds of disabled people.

## **Other cases**

There are a number of other examples of successful cases that have resulted in the courts' quashing the decisions of public authorities.

These include:

- refusing to allow a Sikh girl to wear a kara through the rigid application of a school uniform policy in *Watkins-Singh -v- Governing Body of Aberdare Girls High School*
- refusing to license a particular model of taxi for use as a hackney cab despite disabled groups making representations that many wheelchair users could not travel safely in *Lunt and another -v- Liverpool City Council*
- approving planning permission for a development of chain stores and luxury flats on a site overwhelmingly occupied by BME businesses and tenants in *Harris -v- London Borough of Haringey*

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