

Amending the Diversity Impact Assessment Process to strengthen Swindon Borough Council's role as a Corporate Parent

Cabinet

Date: 4th December 2019

Author:	Cabinet Member for Customer Services and Organisational Excellence Director of Performance, Organisational Improvement and Communications
Wards:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 The aim of this report is to update Cabinet on some key actions driven by the Children's Service Improvement plan. This report also seeks Cabinet's approval to adopt the equality and diversity strategy which will lead to an amendment of the Council's current Equality & Diversity policy and process, (Cabinet minute 132, 2009/2010 refers), to ensure that the needs of Children in Care and Care leavers are at paramount when proposing any policy or service changes across Swindon Borough Council (SBC).
- 1.2 Following both the Equality Advisory Group CMAG and the Children in Care and Care Leavers Partnership and Delivery Group, it was proposed that Cabinet consider updating the policy and receive further assurance and detail around the work that is being undertaken to improve our services for our Children in Care and Care Leavers.
- 1.3 This report links with corporate priority four of the Council Plan, to help people to help themselves while always protecting our most vulnerable children and adults. It specifically responds to pledge 21 to "ensure that there is a partnership approach to early prevention and intervention across Swindon so that more children and families are supported early, including through the Troubled Families Programme, to prevent escalation to statutory social care" This also related to the Council's statutory duty as a corporate parent.

2. Recommendations

Cabinet is recommended to:

- 2.1 Adopt the Equality and Diversity strategy considered by both the Equality Task Group and Equality Advisory Group CMAG, in 2018 and approve the alignment of the Equality and Diversity Policy to deliver the strategy.
- 2.2 That beyond the statutory definitions, the Council approves the recommendation to include children in care and care leavers as a tenth characteristic for the Council's diversity impact assessment process at Swindon Borough Council.

Further information on the subject of this report can be obtained from Helena Taylor-Knox, Direct Dial Telephone Number 07342 024155, htaylor-knox@swindon.gov.uk

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- 2.3 Authorise the Chief Executive and relevant officers to implement the updated diversity impact assessment policy as part of the Council's decision-making processes.

3. Detail

Protected Characteristics

- 3.1 As part of the Council's requirements under the Public Sector Equality Duty (PSED) the local authority is required to demonstrate that:
- “Those in the public authority who have to take decisions must be made aware of their duty to have due regard to the need to eliminate unlawful discrimination, advance equality and foster good relations across all the protected characteristics.”
- 3.2 The duty to give due regard must be fulfilled before the policy/decision is to be considered. This is referred to as the Brown Principles, which form part of the Public Sector Equality Duty (PSED) as contained in section 149 of the Equality Act 2010.
- 3.3 One of the ways the Council demonstrates its compliance of PSED at SBC is by completing diversity impact assessments (DIA) on any relevant policy or service decisions, evidencing how the local authority has considered each of the nine protected characteristics and how any proposal may affect them.
- 3.4 The nine legally protected characteristics are age, sex, disability, ethnicity, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy and maternity.
- 3.5 By adding a 10th characteristic of Children in Care and Care Leavers, the Council would be able to begin to ensure that across the Council it is creating a clear mechanism to assess the impacts in relation to its duty as a Corporate Parent. It would also align both processes and training for staff to understand better how the Council could remove barriers for this group. This is beyond the statutory definition of protected characteristics but it will elevate the importance of this group in line with the Corporate Parenting Duty.
- 3.6 This important decision if implemented would strengthen the focus in this area and would support the profile of the other work being delivered by Service Manager, Children Looked After and Permanence and Director of Children's Social Work includes:
- 3.6.1 The Aspiring leaders challenge – a team of staff who have investigated the business challenge focussed on a refresh of the Council's Corporate

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Parenting activity by looking at best practice, culture and behaviours and what we offer employees and seeing how all staff could be an active corporate parent across the Council.

- 3.6.2 Pathway Plans are the way we work with children in care and care leavers to assess their needs and identify with them what they will need to move towards living independently successfully. They outline the support that is on offer to each young person from Swindon Borough Council. 91% of the pathways plans are now completed within the required timescales.
- 3.6.3 Of the last 40 children who have been accommodated only 4 have been placed out of area
- 3.6.4 We are now taking less older children to care, of the last 40 children accommodated only three were aged 16 and over.
- 3.6.5 Current plans are progressing to increase the accommodation and support options for harder to place children and increasing accommodation offers locally, including new provision.
- 3.6.6 More children are being placed with in-house fosters carers. This has increased from 86 in March 2019 to 126 at the present time.
- 3.6.7 A new in-house mental health clinician is being recruited and will ensure greater stability in placements and improve the emotional and mental health of the children.
- 3.6.8 Only six children, are in semi-independent accommodation and more Care Leavers staying put in their foster care placements, currently 29 are staying put
- 3.6.9 Our adoption work is significantly improved in timeliness and quality, as a result children are being placed much earlier with adoptive families. Young babies have been placed in fostering to adopt placements meaning that they do not have to move if at the end of court proceedings adoption is the plan.
- 3.7 What is known from the research with other authorities' who are leaders in this work is that for children and young people to thrive, it is incumbent on the authority to transform the place as well as the services for children. So having quality education, leisure and environments in which children can access opportunities to grow, develop and feel connected is central to the Council's ongoing work.

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- 3.8 Currently, all formal Council decisions by Full Council, Cabinet, Cabinet Members, Committees, or through officer-delegated decisions are expected to provide a statement on whether a DIA was undertaken. If it was, there should be a short summary of the anticipated effects of the decision – both positive and negative. If not, there should be a statement as to why a DIA was not deemed appropriate, for example, if the proposal would not alter any service the Council provides.
- 3.9 Since it is part of formal decisions, augmenting the DIA process would be central to weaving together place based decision making and putting children and young people at the forefront of our minds when planning.

4. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 4.1 None, the costs of the training will be incorporated into our existing learning and development programme as part of the equality and diversity work stream.

Legal and Human Rights Implications

- 4.2 This approach will enhance our ability to demonstrate our proactive approach to ensuring the human rights of children in care and care leavers are fully considered in all the work we do.
- 4.3 Other legal and human rights implications have been taken into account in preparing this report, the recommendations of which are considered to be compatible with Convention Rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 4.4 None

Diversity Impact Assessment

- 4.5 A diversity impact assessment (DIA) for this report has not been completed as the beneficial impacts of the proposals are set out in the body of the report. It should be noted that the intent is to create a positive impact for the children in care and care leavers and in doing so there is no perceived impact on any of the other nine legally protected characteristics.

Risk Management

- 4.6 The management of risk materialising from the enhanced approach would be addressed through the DIA mechanism, which is overseen by the internal

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Equality Task Group and the Human Resources and Organisational Development Team (HROD).

5. Consultees

- 5.1 The Corporate Director of Finance and Assets (Section 151 Officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports. Members are recommended to adopt the strategy so that all other policies can align to this. Given that that policies will be deleted. Where policies relate only to staff the officer delegated responsibility is requested to be given to Director of Performance, Organisational Improvement and Communications. It should be noted that Corporate Director Children's Service has also been consulted and the Director of Children's Social Work and Service Manager, Children Looked After and Permanence have been integral to creating this report.
- 5.2 Where policies affect the public or stakeholders, then changes are to be approved in consultation with the Cabinet Member for Customer Service and Organisational Excellence.

6. Background Papers

- 6.1 Strategy

7. Appendices

- 7.1 None

8. Key Decision/Decision in Cabinet Work Programme and Forward Plan

- 8.1 This is not a Key Decision and is included in the Cabinet work programme for December 2019