



LEAD MEMBER FOR CHILDREN AND FAMILIES

DECISIONS to be made by the Lead Member for Children and Families,
Councillor Sylvia Tidy

MONDAY, 1 JUNE 2020 AT 2.00 PM

CC1 - COUNTY HALL, LEWES

**++ PLEASE NOTE, THE LEAD MEMBER WILL NOT BE PRESENT IN PERSON, BUT WILL BE
TAKING THE DECISIONS REMOTELY++**

AGENDA

- 1 Decisions made by the Lead Cabinet Members on 7 October 2019 (*Pages 3 - 6*)
- 2 Disclosures of interests
Disclosure by all Members present of personal interests in matters on the Agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct
- 3 Urgent items
Notification of items which the Lead Members consider to be urgent and propose to take at the end of the appropriate part of the Agenda
- 4 Introduction of a Charging Policy for Children who are Accommodated at the request of their parents under Sec 20 of the Children Act (1989) (*Pages 7 - 48*)
- 5 Any urgent items previously notified under agenda item 3

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent
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22 May 2020

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NOTE: This meeting will be broadcast live on the County Council's website and the record archived for future viewing. The broadcast/record is accessible at
www.eastsussex.gov.uk/yourcouncil/webcasts/default.htm

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LEAD MEMBER FOR CHILDREN AND FAMILIES

DECISIONS made by the Lead Member for Children and Families, Councillor Sylvia Tidy, on 7 October 2019 in the Council Chamber, County Hall, Lewes

Councillors Charles Clark, Davies, Elford, Ensor, Field, Shuttleworth and Webb spoke on item 4 (see minute 10)

7 DECISIONS MADE BY THE LEAD CABINET MEMBER ON 22 JULY 2019

7.1 The Lead Member approved as a correct record the minutes of the meeting held on 22 July 2019.

8 REPORTS

8.1 A copy of the report referred to below is included in the minute book.

9 DISCLOSURES OF INTERESTS

9.1 Councillor Charles Clark declared a personal, non prejudicial interest in item 4 as a member of Rother District Council

9.2 Councillor Field declared a personal non prejudicial interests in item 4 as the Chair of Battle Pre-School and as a member of Rother District Council.

9.3 Councillor Webb declared a personal non prejudicial interest in item 4 as a member of Hastings Borough Council.

10 REVISED CHILDREN'S SERVICES EARLY HELP STRATEGY

10.1 The Lead Member considered a report by the Director of Children's Services regarding the findings of the public consultation on the draft Early Help Strategy for 0 – 19 year olds and proposed revisions to the Strategy together with comments from the Early Help Reference Group and written representations from Councillors Beaver and Ungar.

10.2 The Lead Member RESOLVED to:

1) note the findings of the public consultation which took place between 20 May and 29 July 2019 and the resulting revisions to the draft Early Help Strategy;

2) note the Equality Impact Assessment;

3) agree to implement the revised Early Help Strategy to support vulnerable families in East Sussex and help manage the demand for statutory social care, including:

a. Continued keywork, group work and focussed interventions with vulnerable families at risk of needing social care interventions – aiming to maintain at least 75% of baseline levels;

- b. Retention of a network of 16 children's and youth centres, plus provision of services in Council and other community buildings when needed;
- c. Continued universal and universal plus 0-5 early help services where that is fully funded by East Sussex County Council Public Health and/or external partners. This will include early years family support services, which would continue to be integrated with Health Visiting services and delivery of the Healthy Child Programme;
- d. Continued evidence based youth work with vulnerable young people;
- e. Continued open access or drop-in youth work when it is externally funded;
- f. Delivery of the remodelled service within the planned budget of £4.4m achieving £2.6m savings.

4) agree as part of the strategy to de-designate 14 children's centres while aiming to support ongoing local early years and education services as follows:

- a. Discussions with partners about taking over 10 of the centres will continue, and be subject to approval by the Lead Member for Resources in January 2020;
- b. Services at Hampden Park Children's Centre would be relocated to Shinewater Children's Centre.

5) agree to delegate authority to the Director of Children's Services, in consultation with the Chief Operating Officer, to consider any viable proposals to take over the running of these ten children's centres, and report to the Lead Member for Resources; and

6) agree that as part of the Strategy Rainbow and Cygnets nurseries in Bexhill will no longer be operated by the Council and that the Council will work with other providers to secure, so far as is reasonably practicable, an offer of sufficient nursery places in the area.

Reason

10.3 The revised strategy will enable the Council to support the most vulnerable families to tackle triggers of social care need, preventing escalation of risks and the requirement for social care intervention, enabling families to look after their children. For young people at risk of social care intervention, it will increase school attendance, support online safety and young people's emotional and mental wellbeing, and reduce their risk of becoming victims of crime or exploitation. In addition, the wider offer, funded by Public Health and external funders, will be part of a multi-agency system to support families in East Sussex to improve their own health and wellbeing, educational attendance and progress, financial inclusion, and parenting skills and resilience.

10.4 Children's Services will continue to offer family keywork which targets the specific vulnerabilities that can escalate, at a level of at least 75% of the current baseline, if external funding such as the Troubled Families grant remains available. It will continue to offer focussed or group work interventions when appropriate, and evidence-based youth work with vulnerable young people. The delivery of additional universal and universal support will continue where that is fully funded by East Sussex County Council Public Health and/or external partners. This will include early years family support services, which will continue to be integrated with Health Visiting services, and will be delivered through a countywide network of 16 children's centres and youth centres, plus Council or community buildings where needed. It will also include drop-in youth work sessions where these are fully funded. There is an expectation that a drop-in or open access offer can continue, the details of which will be agreed with partners.

10.5 Having carefully considered all of the consultation feedback, the case for redirecting limited Children's Services resources from the most vulnerable families to enable a wider universal family support offer was not demonstrated. Evidence suggests that this would lead directly to an increase in demand for social care and associated costs. However, sustaining support for parents will be a priority for external fundraising with partners, and will continue to be delivered through a multi-agency system.

10.6 In order to help build stronger families in East Sussex within the revised budget envelope the Lead Member agreed the implementation of the revised Early Help Strategy, including the de-designation of 14 children's centres. Nurseries in Bexhill will no longer be provided directly by the Council, which will work with other providers to secure, so far as is reasonably practicable, an offer of sufficient nursery places in the area.

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Report to: Lead Member for Children and Families

Date of meeting: 1 June 2020

By: Director of Children's Services

Title: Introduction of a Charging Policy for Children who are Accommodated at the request of their parents under Section 20 of the Children Act 1989

Purpose: The Lead Member is recommended to approve the introduction of a Charging Policy to seek to recoup partial costs in defined circumstances when a child becomes Looked After at the request of parents.

RECOMMENDATION

The Lead Member is recommended to approve the introduction of the Charging Policy set out in Appendix 1 to seek to recoup partial costs in defined circumstances when a child becomes Looked After at the request of parents.

1. Background

1.1. Parents can request that their child should become Looked After by a local authority under Section 20 of the Children Act 1989. If this happens, both birth parents can be required by law to contribute toward the child's maintenance until the child is 16 years of age, irrespective of whether or not they have contact with the child.

1.2. In certain circumstances, parents will not be required to contribute if:

- They are in receipt of some means tested benefits including Income Support, any element of Child Tax Credit other than the family element of Working Tax Credit, income-based Job Seekers Allowance, or income related Employment Support Allowance.
- The child is subject to an Interim Care Order, Care Order, Emergency Protection Order or subject to Police Protection.
- The child is remanded into local authority foster care, or subject to a Youth Rehabilitation Order with an attached Residence Order (Child Arrangement Order).
- The child is detained under S38(6) of the Police and Criminal Evidence Act 1984, or under S92 of the Powers of Criminal Courts (sentencing) Act 2000
- The accommodation is provided as part of an aftercare service under section 117 of The Mental Health Act
- The child is placed with parents under S22(c) of the Children Act 1989
- Parents who have relinquished their child to be adopted will not be charged.

1.3. If parents are separated and one is exempt due to any of the reasons above, the other parent will still be subject to financial assessment.

1.4. The proposed policy is based on similar policies that are in place in other high performing local authorities. It is the case though that other local authorities have indicated that actual use of the policy is extremely limited and that it is seen more as a deterrent and as part of a more general

response to prevent families abdicating responsibility for their children. This is likely to be mirrored in East Sussex.

2. Supporting Information

2.1. A liable parent can be required to contribute a weekly amount to the care of their child, the level of which will be decided after a financial assessment has been completed by the East Sussex County Council (ESCC) staff in the Children's Services Department (CSD) who currently assess carers in receipt of both Adoption Allowances and Special Guardianship Allowances. The amount of the contribution expected from parent/s for each child should never be more than the foster care rate. In East Sussex, the rate is set at 50% of the lowest foster care rate for the youngest age band, which is considered fair and retrievable. The amount will be adjusted each year to reflect changes in the foster care rate. For example, in 2019/20 the lowest rate is £126.58, therefore the calculation becomes 50% or £63.29 per week.

2.2. As this amount will be collected each calendar month the following calculation would be applied:

£63.29 x 52 = £3291.08 per year:

Divided by 12 = **£274.25 per calendar month**

2.3. Consideration of a financial contribution will become part of the process when a child enters care at the request of their parents. Thereafter an annual review of financial circumstances will take place within CSD to ensure the contribution remains at a suitable rate in response to any changes in either parental circumstances and/or any adjustments made to the DfE recommended fostering allowance.

2.4. In cases where parents are separated but are both found to be liable, the charge will be divided equally between the parents. Where a Maintenance Order is in force in respect of the child, the sum as detailed in the Contribution Agreement will be claimed from the parent who receives the Maintenance Order.

2.5. If the parents do not agree that they are able to afford to contribute the amount as calculated they will be asked to evidence this by completion of the financial assessment and to discuss this with their child's social worker, for further consideration by the relevant Head of Service. The Head of Service may apply discretion on the basis of the family's individual circumstances which may include:

- What the circumstances leading to the child being accommodated are. For example, if a single parent was hospitalised for a short period of time and had no one to care for their children it might be considered not worth seeking to recoup costs for this short period.
- Whether there are specific financial pressures affecting the parents that means that strict adherence to this policy is likely to be counter-productive in the context of working towards the child being rehabilitated to the parents.
- Parents of a child with disabilities are subject to the same rules under Part III of Schedule 2 of Children Act 1989. However, in certain circumstances where there is assessed to be risk of harm arising from the child's disability that cannot be reduced without the need for accommodation, parents will not be charged. These circumstances could include the following:
 - A. Those children whose needs, including medical needs, are so complex that the child essentially requires 24 hour care or similar.
 - B. Those children whose behaviour, as a result of their disability, is so frequently challenging that it is only reasonable for the authority to offer to accommodate the child as an option for supporting the family – often there will be a significant risk of harm to the child, a sibling, or to another family member.

- C. Those children who are consistently disruptive throughout the night and where no other intervention has been able to ameliorate the impact on the rest of the family.

2.6. When parents are assessed to be liable and able to contribute to the care of their child, ESCC is empowered to apply to the Court for a Contribution Order requiring parents to make weekly contributions. No application would be made providing that there is agreement to contribute financially. If no payment is forthcoming within 1 month of the child(ren) becoming Looked After, however, or if payments are not made regularly, the County Council has the right to seek to enforce payment by initiating legal proceedings in the courts.

2.7. The draft policy (Appendix 1) has been drawn up in consultation with colleagues in both Orbis Law and Business Operations and is considered to be both legally compliant and deliverable operationally.

2.8. A full Equality Impact Assessment is available at Appendix 2.

3. Conclusion and reasons for recommendations

3.1 Within a wider Council budget that is under pressure, the specific budget that supports the care of children who are Looked After continues to be very challenging. It is reasonable to expect parents to contribute to the costs for their child to be cared for when they request it and if they can afford to do so. It encourages parents not to abdicate responsibility for their child and emphasises the importance of parents continuing to be involved in their child's life. It is unlikely in reality, however, that this will generate much or any income but may act as a partial deterrent to those parents who could afford to contribute but are presently not expected to do so, or who are unwilling to do so.

STUART GALLIMORE **Director of Children's Services**

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Local Members

All

Background documents:

None

Appendices

Appendix 1: CSD Charging Policy for Children who become Looked After under Sec 20 Children Act (1989).

Appendix 2: Equality Impact Assessment

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East Sussex County Council

Charging Policy for Children Looked After by East Sussex County Council under Section 20 Children Act 1989

Children's Services Operational Instructions

Contents:

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4. Applying Discretion	7
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6. Equality Impact Assessment	8
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Appendix A – Note to Parents – Maintaining Your Child

Appendix B – Contribution Notice

Appendix C – Contribution Agreement

Appendix D – Statement of Financial Circumstances Form

Appendix E – Assessment and Process of Collecting Contributions

Appendix F – S20 Leaflet information

PURPOSE

This procedure informs staff of the actions to be taken when collecting parental contributions toward the cost of their child being looked after by East Sussex County Council. Adherence to this policy will ensure East Sussex County Council is compliant with legislation.

SCOPE

This applies to all staff involved in the process of accommodating a child into foster care or alternative placement such as residential units. This procedure applies to parents whose children are accommodated by East Sussex County Council under section 20 and it is considered reasonable that they contribute under Schedule 2, Part 111 paragraph 21 of the Children Act 1989.

POLICY

It is the policy of East Sussex County Council to recoup a contribution from parents towards their child's maintenance when accommodated under section 20 of the Children Act 1989 and where it is considered reasonable to do so.

Recouping a contribution promotes parental responsibility and active involvement in the care of their child, even when the child is accommodated by the County Council. East Sussex County Council endeavours to work in partnership with parents wherever possible by encouraging involvement in decision making and contributing to the costs associated with their child's care, providing that this is in the best interest of the child.

DEFINITIONS

Parental responsibility (PR) - defines the rights, responsibilities, and duties a parent has toward their child and their child's property. Birth mothers automatically have PR as do fathers who are married to the mother at the time the child was born. Fathers who are not married to the mother of the child but are registered on the birth certificate have PR, however, the registration or re-registration has to have taken place after December 2003. Fathers without PR are still liable to contribute.

Section 20 of the Children Act 1989 – provides Local Authorities with a duty to accommodate any child in need in their area who appears to require accommodation as a result of there being no person with PR for the child; the child is lost or has been abandoned; or the person who normally provides care is prevented from providing suitable care or accommodation. The Local Authority is not able to provide accommodation to a child under this section if any person with PR objects. Any person with PR can remove a child from accommodation provided under this section. 16 –17 year olds are able to consent to being accommodated under this section.

ROLES

Practice Managers and Operations Managers are responsible for ensuring this policy and the procedure is adhered to.

Through appeal, a decision can be referred to the Head of Service.

The child's Social Worker has the key role of undertaking required tasks associated with implementing the procedure and liaising with the parent/s.

The Business Support Team Practice Manager is responsible for carrying out any requested financial assessment.

Legal Services Litigation Team may be called on for advice.

AUTHORITY TO VARY THE PROCEDURE

The relevant Head of Service has authority to apply discretion and waive charges in exceptional circumstances, for example, in cases of extreme hardship.

PROCEDURE

This procedure is arranged in the following sections:

1. Legal Framework
2. Persons liable to contribute
3. Financial Assessment and process of collecting contributions
4. Applying Discretion
5. Failure to agree to or pay contributions
6. Other charges
7. Equality Impact Assessment
8. Performance Standards

Appendices

- A. Note to Parents – Maintaining your Child
- B. Contributions Notice

- C. Contributions Agreement
- D. Statement of Financial Assessment Form
- E. Collecting Contributions Flowchart
- F. S20 Consent Forms/leaflets

1. Legal Framework

- 1.1 Paragraph 21 of Part III of Schedule 2 of The Children Act 1989 states:

“Where a local authority is looking after a child (other than under section 21, interim care order or remanded into their care) they shall consider whether they should recover contributions towards the child’s maintenance from any person liable to contribute.”

- 1.2 East Sussex County Council may only consider recovering contributions when considered reasonable to do so.
- 1.3 A parent is not liable if in receipt of specified tax credits or social security/welfare benefits.
- 1.4 The statutory basis for a local authority recovering contributions for looked after children states that the contribution should not be higher than the local authority would normally pay for a similar child they had placed in foster care. Therefore the standard foster care rate provides a comparator for what the contribution should be.
- 1.5 Irrespective of whether the parents are asked to contribute to the cost of their child being accommodated by the Local Authority, it remains their responsibility to notify the Benefit Agency about the child no longer being in their care. The service user needs to understand that failure to do so will likely result in an overpayment being recovered from them or them potentially being liable for investigation into a fraudulent claim.

2. Persons Liable to Contribute

- 2.1 Each parent of a child under 16 years old is liable to contribute save for exemptions listed below. This is irrespective of their involvement in the child’s life, therefore absent parents are also liable.
- 2.2 All parents are expected to protect and maintain their children by providing a home. The legislation stipulates that parents who do not have parental responsibility are still required to ensure their child is financially supported.
- 2.3 A young person over 16 years old and up to 18 years old is legally liable to contribute therefore no contribution is required from parents of 16 and 17 year olds. However East Sussex County Council’s policy is to waive this

requirement for this age group for any recoupment of costs towards their accommodation.

2.4 There are many exemptions whereby parents would not be liable to contribute, as follows:

- When in receipt of income support, any element of child tax credit other than the family element of working tax credit, income-based job seekers allowance, or income related employment support allowance. Any of the elements of the incoming Universal Credit which replace these Income related benefits. Parents need to produce a copy of their current welfare benefit entitlement to evidence they are in receipt of these funds and the Social Worker should upload this to e-casefile for the child's record.
- The child is subject to an Interim Care Order, Care Order, Emergency Protection Order or subject to Police Protection.
- The child is remanded into Local Authority foster care, or subject to a Youth Rehabilitation Order with an attached Residence Order (Child Arrangement Order).
- The child is detained under S38(6) of the Police and Criminal Evidence Act 1984, or under S92 of the Powers of Criminal Courts (sentencing) Act 2000
- The accommodation is provided as part of an aftercare service under section 117 of The Mental Health Act
- The child is placed with parents under S22(c) of the Children Act 1989
- Parents who have relinquished their child to be adopted will not be charged.

2.5 If parents are separated and one is exempt due to any of the reasons above, the other parent will still be subject to financial assessment.

3. Financial Assessment and Process of Collecting Contributions

- 3.1 The amount of the contribution expected from parent/s for each child should never be more than the foster care rate. In East Sussex, the rate is set at 50% of the lowest foster care rate for the youngest age band, which is considered fair and retrievable. The amount will be adjusted each year to reflect changes in the foster care rate:

For example:

In 2019/20 the lowest rate is £126.58

50% = £63.29 per week

As this amount will be collected on a calendar monthly basis the following calculation should be applied:

£63.29 x 52 = £3291.08 per year:

Divide by 12 = £274.25 per calendar month (preferred method of collection).

- 3.2 The contribution should be paid by monthly direct debit The County Council will contact parents to arrange completion of a direct debit mandate and will send a monthly invoice in advance of each direct debit collection.
- 3.3 The Note to Parents, Appendix A, refers to an annual review of the parent's contribution. It will be the responsibility of the child's social worker to identify whether the parents financial circumstances have significantly changed at the end of the year in order to trigger any new financial assessment from the Business Support Financial Team, for example, if the parents have started working full time rather than part time. The Note to Parents also places a responsibility on the parents to inform the County Council of any change of financial circumstances.

3.4 **Assessment and Process of Collecting Contributions**

In all circumstances where a child under 16 is to be accommodated under Section 20 of the Children Act 1989, the Social Worker must consider whether recouping contributions from parent/carer is required. Section 2.4 lists all the exemptions. If any of these apply, the Social Worker makes a note on the child's Liquid Logic record that parents are exempt from contributions. If the exemption is because they are in receipt of income support (IS), income related job seekers allowance (JSA) or employment and supported allowances (ESA) then proof is needed and should be uploaded to the child's e-casefile record and summarised in a case note record. However, if it appears that one or both parents are not exempt from providing financial contribution or it is not clear, they should be provided with the following financial documents to complete –

- “Notes to Parents – Maintaining your Child” (Appendix A)
- “Statement of Financial Circumstances (Appendix E). This financial assessment should be completed prior to the child being accommodated wherever possible so that parents are fully informed that they retain their parental responsibility and are expected to work in partnership with the department regarding care planning of their child and of the consequences of their decision. Social Workers offer support to ensure the financial assessment is understood and completed

If parents are separated and one is exempt due to reasons under section 2, the other parent will still be subject to a financial assessment.

In cases where parents are not exempt, or it is not clear whether they are exempt, they should complete sections A and B of for “Statement of Financial Circumstances”. Section B assesses whether parent/carer is in receipt of Income Support or income based Job Seekers Allowance or

Employment and Supported Allowances.

See Flowchart: Appendix E

4. Applying Discretion

- 4.1 It is the role of the relevant Head of Service to apply discretion on the basis of the family's individual circumstances. This should be based on a briefing assessment provided by the relevant Operations Manager.
- 4.2 Head of Service will need to consider:
- What the circumstances leading to the child being accommodated are. For example, if a single parent was hospitalised for a short period of time and had no one to care for their children it might be considered not worth seeking to recoup costs for this short period.
 - Whether there are specific financial pressures affecting the parents that means that strict adherence to this policy is likely to be counter-productive in the context of working towards the child being rehabilitated to the parents.
 - Parents of a child with disabilities are subject to the same rules under Part III of Schedule 2 of Children Act 1989. However, in certain circumstances where there is assessed to be risk of harm arising from the child's disability that cannot be reduced without the need for accommodation, parents will not be charged. These circumstances could include the following:
 - A) Those children whose needs, including medical needs, are so complex that the child essentially requires 24 hour care or similar.
 - B) Those children whose behaviour, as a result of their disability, is so frequently challenging and that it is only reasonable for the authority to offer to accommodate the child as an option of supporting the family – often there will be a significant risk of harm to the child, a sibling or another family member.
 - C) Those children who are consistently disruptive throughout the night and where no other intervention has been able to ameliorate the impact on the rest of the family.

5. Failure to agree to or pay contributions

- 5.1 In the event that the financial assessment and process for collecting contributions has been fully implemented and the parent/s are not abiding by the agreement the Legal Services Litigation Team must be informed.
- 5.2 A Contribution Order can be applied for in the following circumstances:
- A parent has failed to reach an agreement within one month of the contribution notice being served.
 - A parent has in writing withdrawn their agreement.
 - A parent who formally agreed the contributions by signing a contributions agreement but has not maintained the payments.
- 5.3 In the above circumstances the matter is to be managed as a civil debt, allowing ESCC to present the matter to the court to seek a Contribution Order pursuant to Schedule 2, Paragraph 23, Children Act 1989. The Legal Services Litigation Team must be contacted in order to gain legal advice about taking such action
- 5.4 The court may order the payment of any sum up to the amount specified in the notice. Once a court order is made it is enforceable as a civil debt
- 5.5 Should a parent default on payments contact must be made with Legal Services Litigation Team to consider the appropriateness of the department taking court action to recover any debt.

6. Equality Impact Assessment

- 6.1 This policy considers the needs of all children looked after regardless of gender, age, ethnicity or disability.

7. Performance Standards

- 7.1 This procedure will be reviewed annually regarding weekly/monthly contributions or sooner if there are changes to legislation.

NOTE TO PARENTS – MAINTAINING YOUR CHILD

1. Contributing to the costs of your child's accommodation and care

When a child is looked after by a Local Authority under Section 20 of the Children Act 1989, which can only happen with parental consent, both birth parents can be required by law to contribute toward the child's maintenance until the child is 16 years of age irrespective of whether or not they have contact with the child.

In certain circumstances, however, the charge may be waived and you will not be required to contribute if:

- You are in receipt of income support, any element of child tax credit other than the family element of working tax credit, income-based job seekers allowance, or income related employment support allowance.
- You have no personal finance from any source.

2. The Amount of Your Contribution

A liable parent will be required to contribute a weekly amount decided after a financial assessment has been completed. The amount will not exceed that paid to local authority foster carers caring for a similar child. This amount is guided by the Department for Education (DfE) recommended south east minimum fostering allowance rates and East Sussex fostering allowance rates which are reviewed annually.

An annual review of your financial circumstances will take place to ensure the contribution remains at a suitable rate in response to any changes to your circumstances and any adjustments made to the DfE recommended fostering allowance. It is understood that the assessment of your financial circumstances is made on the basis of your circumstances at the time of this agreement and you will undertake to notify the County Council if your circumstances change.

3. Specific Circumstances

In cases where parents are separated but are both found to be liable the charge will be equally divided between the parents.

Where a Maintenance Order is in force in respect of the child, the sum as detailed in the Contribution Agreement will be claimed from the parent who receives the Maintenance Order.

Child Benefit payments normally stop 8 weeks after a child becomes looked after by the Local Authority. If you fail to notify the Department of Work and Pensions (DWP) that your child is being looked after and you continue drawing payments, this may result in the DWP taking action to recover any overpayments.

If you do not agree that you are able to afford to contribute the amount detailed within the contribution notice and you consider this will cause financial hardship this should be evidenced within completion of the financial assessment (any expenditure not listed can be detailed in Section F) and discussed with your child's social worker, for consideration by the Head of Service.

4. Consequences of non-payment

The County Council is empowered to apply to the Court for a Contribution Order requiring you to make weekly contributions. It is not proposed to make such an application provided that you are willing to enter into such agreement as the County Council may require. Of course, if you do not make your first payment within 1 month of the child(ren) being looked after, or if you do not keep up payments regularly, the County Council has the right to enforce payment by initiating legal proceedings in the courts.

By law it is the duty of the parent of a child under 18 years old who is Looked After by the Local Authority to keep the Local Authority informed of the parents address.

You have a right to appeal against any Order made concerning contributions under the Children Act 1989 and you should seek legal advice on the matter.

5. Methods of Payment

The contribution should be paid by monthly direct debit, the County Council will contact parents to arrange completion of a direct debit mandate and will send a monthly invoice in advance of each direct debit collection



Appendix B

CONTRIBUTION NOTICE

Dear XXXXXX

CONTRIBUTION NOTICE

RECOUPMENT OF COSTS – CHILDREN LOOKED AFTER BY EAST SUSSEX COUNTY COUNCIL

When a child is looked after by a Local Authority with parental consent, both parents can be required by law to contribute towards the child's maintenance.

I enclose a copy of 'Notes to Parents – Maintaining Your Child' and a Contribution Agreement Form which should be completed and returned to your child's social worker at the following address:

**Insert social worker's address*

In accordance with Schedule 2, Part III, Paragraph 22, of the Children Act 1989, notice is therefore given to you that as of today's date XXXXXX, as parent of **INSERT CHILDS NAME XXXXX** you are liable to contribute to East Sussex County Council, the weekly sum of £XXXXXX in respect of your child until he/she attains the age of 16 years or ceases to be looked after by East Sussex -County Council. Whilst the contribution is determined based on a weekly payment wherever possible it is preferred that payments are made on a calendar monthly basis equating to £XXXX per month as specified in the Contribution Agreement.

A first payment is required by XXXX (*insert date – 1 month after the date of this notice*) using any of the methods detailed on the enclosed 'Note to Parents – Maintaining Your Child', convenient to you.

This letter should be construed as, and has the effect of, a Contribution Notice as defined in Schedule 2, Part III, Paragraph 22, of the Children Act 1989.

Your child's social worker will discuss this with you if you want to clarify any particular points.

Yours sincerely

Operations Manager



Appendix C

CONTRIBUTION AGREEMENT

Child's Name:

Child's Date of Birth:

Child's Address

The following weekly sum has been determined as the contribution you are required to pay toward your child(ren)'s accommodation and care, provided by East Sussex County Council. This has been decided upon completion of a financial assessment to ensure the agreed sum is reasonable.

Amount payable: £ per week, amounting to £ per calendar month

First payment due on and weekly/monthly hereafter.

I, (insert name) agree to pay charge specified above.

Signed:

Date:

Name:

Relationship to child:

Appendix D



East Sussex County Council

Statement of Financial Circumstances

Parental Contributions towards a child accommodated or Looked After by East Sussex

Important notes about the completion of this form:

Complete all relevant boxes or write "none" or "N/A"

Ensure that the declaration on page 4 is completed (Section G)

Securely attach any supporting documentation

If parents live apart, each parent must complete a separate form

Please indicate reason for completing statement:

First Time Assessment

Change of Circumstances

SECTION A: DETAILS OF PARENT(S)

1. Parent 1 Title Full Name

2. Parent 2 Title Full Name

3. Preferred correspondence type Post Email

4. Email Address

5. Address

Post code

Telephone number

6. Name and date of birth of child(ren) looked after by a Local Authority

7. Name and date of birth of all other children you are responsible for

SECTION B

1. Parent 1

Are you in receipt of Income Support or income based Job Seekers Allowance or an income-related Employment and Support Allowance?

Yes:

No

2. Parent 2

Are you in receipt of Income Support or income based Job Seekers Allowance or an income-related Employment and Support Allowance?

Yes

No

SECTION C

1.	Occupation of parent 1	<input type="text"/>
	Name of Employer	<input type="text"/>
2.	Occupation of parent 2	<input type="text"/>
	Name of Employer	<input type="text"/>

SECTION D – INCOME OF PARENTS

	Parent 1 (weekly)	Parent 2 (weekly)
1.	Net PAYE salary/wages	<input type="text"/>
2.	Taxable benefits	<input type="text"/>
3.	Self employed income	<input type="text"/>
4.	Child Benefit (excluding the children who are looked after by the Local Authority)	<input type="text"/>
5.	Sickness/Incapacity Benefit or SDA	<input type="text"/>
6.	State Pension	<input type="text"/>
7.	Private/Company Pension	<input type="text"/>
8.	Pension Credit	<input type="text"/>

9.	Widow's Benefit	<input type="text"/>	<input type="text"/>
10.	War Widow's or Dependents Pension	<input type="text"/>	<input type="text"/>
11.	Working Tax Credit	<input type="text"/>	<input type="text"/>
12.	Child Tax Credit	<input type="text"/>	<input type="text"/>
13.	Attendance Allowance	<input type="text"/>	<input type="text"/>
14.	DLA Mobility Component	<input type="text"/>	<input type="text"/>
15.	Statutory Maternity Allowance	<input type="text"/>	<input type="text"/>
16.	Income from lettings	<input type="text"/>	<input type="text"/>
17.	Income from Lodgers	<input type="text"/>	<input type="text"/>
18.	Bank/Building Society Interest	<input type="text"/>	<input type="text"/>
19.	Income from Share Dividends	<input type="text"/>	<input type="text"/>
TOTAL		<input type="text"/>	<input type="text"/>

SECTION E – EXPENDITURE OF PARENTS**Parent 1 (weekly)****Parent 2 (weekly)**

1.	Rent	<input type="text"/>	<input type="text"/>
2.	Mortgage/Endowments	<input type="text"/>	<input type="text"/>
3.	Council Tax	<input type="text"/>	<input type="text"/>
4.	Life Insurance	<input type="text"/>	<input type="text"/>
5.	Maintenance Payments	<input type="text"/>	<input type="text"/>
6.	Private Pension Contributions	<input type="text"/>	<input type="text"/>
7.	Nursery/Childcare Provider	<input type="text"/>	<input type="text"/>
TOTAL		<input type="text"/>	<input type="text"/>

Please attach photocopied documentary evidence of all figures declared above

SECTION F: ADDITIONAL INFORMATION

Please use this section to provide any additional information which may be relevant

SECTION G – DECLARATION BY PARENT(S)

Please read the following notes carefully and sign the declaration below.

When a child is looked after by a Local Authority whether by agreement or by Court Order, both parents can be required by law to contribute towards the child's maintenance irrespective of whether or not they have contact with the child. In accordance with Schedule 2, Part 111, Paragraph 22 of the Children Act 1989, County Council considers it is reasonable that you as a parent are liable to pay the County Council a weekly sum as a contribution in respect of your child until he/she attains the age of 16 years or ceases to be looked after by East Sussex County Council.

A parent is not liable to contribute during any period when he/she is in receipt of Income Support or income based Job Seekers Allowance or an income-related Employment and Support Allowance.

A liable parent will be required to contribute a weekly set amount at 50% of the lowest in-house foster care rate for East Sussex Children's Social Care (subject to annual review) for each child looked after by East Sussex County Council.

In cases where parents are separated but are both found to be liable, the charge will be equally divided between the parents.

Where a Maintenance Order is in force in respect of the child, the sum of the Order will be claimed from the parent who receives it. Where the Order is for less than 50% of the foster care rate per week, the balance will be claimed from whichever parent is not exempted from contributing for any of the reasons stated above.

Child Benefit payments normally stop 8 weeks after a child commences to be looked after by the Local Authority. Failure on your part to notify the DWP and continue drawing payments may result in action being taken by the DWP to recover overpayments.

To pay an amount less than 50% of the foster care rate for each child looked after it is understood that such an assessment is made on the basis of your circumstances at the time of this agreement and you will undertake to notify the County Council if your circumstances change (e.g. commenced employment etc).

The County Council is empowered to apply to the Court for a Contribution Order requiring you to make weekly contributions. It is not proposed to make such an application provided that you are willing to enter into such agreement by signing the declaration below. It is understood that if you do not make your first payment within 28 days of the child(ren) being looked after, or if you do not keep up payments regularly, the County Council has the right to enforce payment by instituting legal proceedings in the Courts. Your child's Social Worker will be pleased to discuss with you any particular points you may wish to raise on this matter.

The County Council reserves the right to make such enquiries it may think fit regarding the financial circumstances of parent(s), but you are reminded that the strictest confidence will be observed in the processing of this form. The County Council has a duty under the Data Protection Act 2018 to ensure that the personal data it keeps on people is safe and secure.

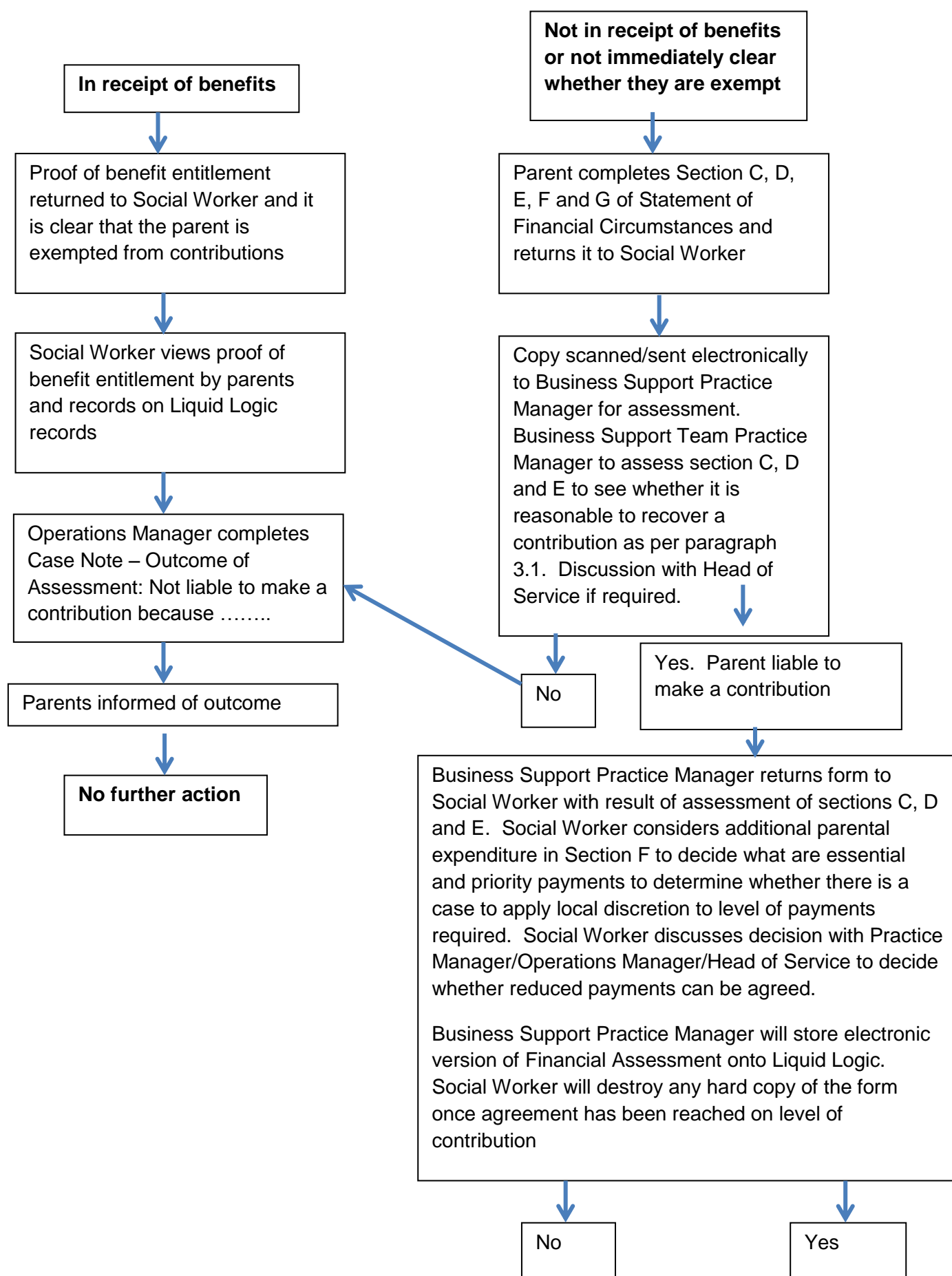
I/we certify that the information given on this form is true and complete. I have read and understood the notes above and will notify you immediately with any change or circumstances which may affect my contributions.

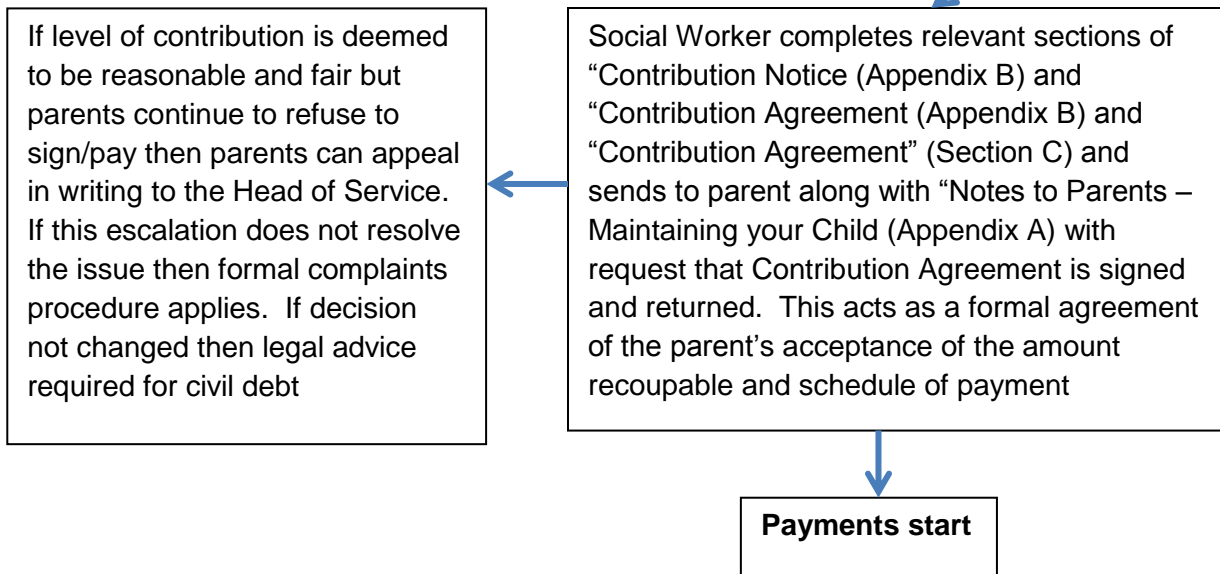
Parent 1

Date

Parent 2

Appendix E – Assessment and Process of collecting contributions





Appendix F

Consent for child to be accommodated and to obtain medical information form



S20 Agreement to
Placement and Medica

BAAF Consent to obtain medical information form



BAAF IHA Form
Consent to obtain mec

BAAF Initial Health Assessment – child aged 0-9 consent form



BAAF Form IHA-C
Initial Health Assessen

BAAF Initial Health Assessment – child/young person aged 10+ consent form



BAAF Form IHA-YP
Initial Health Assessen

BAAF Form B Neo-Natal report consent form



BAAF IHA Form B
Neonatal Report on Ch

BAAF Form – Obstetric report of mother



BAAF IHA Form M
Obstetric Report on Mi

PH health report of birth parent



BAAF IHA Form PH
Health of Birth Parent.

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Equality Impact Assessment

Strategy or Policy Template

Name of the strategy or policy
Introduction of a Charging Policy for Children who become Looked After at the request of their parents under Section 20 of the Children Act (1989)

Contents

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Part 2	– Aims and implementation of the proposal, strategy or policy	5
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Part 5	– Conclusions and recommendations for decision makers	14
Part 6	– Equality impact assessment action plan.....	Error! Bookmark not defined.
(a)	6.1 Accepted Risk	Error! Bookmark not defined.

Part 1 The Public Sector Equality Duty and Equality Impact Assessments (EIA)

1.1 The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An EIA is the best method by which the Council can determine the impact of a proposal on equalities, particularly for major decisions. However, the level of analysis should be proportionate to the relevance of the duty to the service or decision.

1.2 **This is one of two forms that the County Council uses for Equality Impact Assessments, both of which are available on the intranet. This form is designed for any proposal, strategy or policy. The other form looks at services or projects.**

1.3 The Public Sector Equality Duty (PSED)

The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have “due regard” to the need to

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. (see below for “protected characteristics”

These are sometimes called equality aims.

1.4 A “protected characteristic” is defined in the Act as:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race (including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and gender.

1.5 East Sussex County Council also considers the following additional groups/factors when carry out analysis:

- Carers – A carer spends a significant proportion of their life providing unpaid support to family or potentially friends. This could be caring for a relative, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems. [Carers at the Heart of 21st Century Families and Communities, 2008]
- Literacy/Numeracy Skills

- Part time workers
- Rurality

1.6 Advancing equality (the second of the equality aims) involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristic
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people's disabilities
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

NB Please note that, for disabled persons, the Council must have regard to the possible need for steps that amount to positive discrimination, to "level the playing field" with non-disabled persons, e.g. in accessing services through dedicated car parking spaces.

1.6 Guidance on Compliance with The Public Sector Equality Duty (PSED) for officers and decision makers:

1.6.1 To comply with the duty, the Council must have "due regard" to the three equality aims set out above. This means the PSED must be considered as a factor to consider alongside other relevant factors such as budgetary, economic and practical factors.

1.6.2 What regard is "due" in any given case will depend on the circumstances. A proposal which, if implemented, would have particularly negative or widespread effects on (say) women, or the elderly, or people of a particular ethnic group would require officers and members to give considerable regard to the equalities aims. A proposal which had limited differential or discriminatory effect will probably require less regard.

1.6.3 Some key points to note :

- The duty is regarded by the Courts as being very important.
- Officers and members must be aware of the duty and give it conscious consideration: e.g. by considering open-mindedly the EIA and its findings when making a decision. When members are taking a decision, this duty can't be delegated by the members, e.g. to an officer.
- EIAs must be evidence based.
- There must be an assessment of the practical impact of decisions on equalities, measures to avoid or mitigate negative impact and their effectiveness.
- There must be compliance with the duty when proposals are being formulated by officers and by members in taking decisions: the Council can't rely on an EIA produced after the decision is made.
- The duty is ongoing: EIA's should be developed over time and there should be evidence of monitoring impact after the decision.
- The duty is not, however, to achieve the three equality aims but to consider them – the duty does not stop tough decisions sometimes being made.

- The decision maker may take into account other countervailing (i.e. opposing) factors that may objectively justify taking a decision which has negative impact on equalities (for instance, cost factors)

1.6.4 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty.

Part 2 – Aims and implementation of the proposal, strategy or policy

2.1 What is being assessed?

a) Proposal or name of the strategy or policy.

Introduction of a charging policy for children who become Looked After at the request of their parents under Sec 20 of the Children Act (1989)

b) What is the main purpose or aims of proposal, strategy or policy?

To introduce a charging policy in specific and limited circumstances that is legally compliant.

c) Manager(s) and section or service responsible for completing the assessment

Locality Services

2.2 Who is affected by the proposal, strategy or policy? Who is it intended to benefit and how?

As of 31.1.2020 ESCC is caring for 105 children who are accommodated via Section 20 of the Children Act (1989). Because there has been no charging policy in place thus far, it is not possible to determine how many of these children might have incurred a financial charge to their parents. It is highly likely however that many would be, had the exceptions set out below been applied.

Going forward, the proposal will impact any parent who makes a request to ESCC for their child to be accommodated on a voluntary basis **unless** the following specific exceptions apply i.e:

- they are in receipt of some means tested benefits including Income Support, any element of Child Tax Credit other than the family element of Working Tax Credit, income-based Job Seekers Allowance, or income related Employment Support Allowance.
- they have no personal finance from any source.
- if care is required to support a family with a severely disabled child
- the child is subject to an Interim Care Order, Care Order, Emergency Protection Order or subject to Police Protection.
- the child is remanded into Local Authority foster care, or subject to a Youth Rehabilitation Order with an attached Residence Order (Child Arrangement Order).
- the child is detained under S38(6) of the Police and Criminal Evidence Act 1984, or under S92 of the Powers of Criminal Courts (sentencing) Act 2000
- the accommodation is provided as part of an aftercare service under section 117 of The Mental Health Act
- the child is placed with parents under S22(c) of the Children Act 1989

- the child has been relinquished for adoption

2.3 How is, or will, the proposal, strategy or policy be put into practice and who is, or will be, responsible for it?

The proposal is for consideration of a financial contribution to become part of the process when a child enters care **at the request of their parents**. Parents will be given financial assessment forms to complete by the relevant social worker and thereafter an annual review of financial circumstances will take place within CSD to ensure the contribution remains at a suitable rate in response to any changes in either parental circumstances and/or any adjustments made to the DfE recommended fostering allowance.

2.4 Are there any partners involved? E.g. NHS Trust, voluntary/community organisations, the private sector? If yes, how are partners involved?

No

2.5 Is this project or procedure affected by legislation, legislative change, service review or strategic planning activity?

A liable parent can be required to contribute a weekly amount to the care of their child, the level of which will be decided after a financial assessment has been completed by ESCC staff in CSD who currently assess carers in receipt of both Adoption Allowances and Special Guardianship Allowances. The proposal is that the amount will not exceed that paid to ESCC foster carers caring for a similar child. This amount is guided by the Department for Education (DfE) recommended minimum fostering allowance rates and East Sussex fostering allowance rates which are reviewed annually.

Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.

3.1 List all examples of quantitative and qualitative data or any consultation information available that will enable the impact assessment to be undertaken.

Types of evidence identified as relevant have X marked against them			
	Employee Monitoring Data		Staff Surveys
	Service User Data		Contract/Supplier Monitoring Data
	Recent Local Consultations	X	Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
	Complaints		Risk Assessments
	Service User Surveys		Research Findings
	Census Data		East Sussex Demographics
	Previous and other organisations' Equality Impact Assessments		National Reports
x	Policies from other local authorities		Any other evidence?

3.2 Evidence of complaints against the strategy or policy on grounds of discrimination. No

3.3 If you carried out any research on the strategy or policy, please explain.

The manager responsible for the proposal researched the policies of several different local authorities, notably Hampshire and Somerset. Hampshire has implemented a charging policy, and is also a high-performing authority, in terms of its outcomes for children and results of Inspections.

3.4 What does the consultation, research and/or data indicate about the positive or negative impact of the strategy or policy?

Discussions with other local authorities who have introduced similar policies have not indicated that any negative feedback from parents has been received.

Part 4 – Assessment of impact

4.1 Age: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County /District/Borough?

Because there has been no charging policy in place thus far it is not possible to determine the age of the children or the parents of the children, who might have incurred a financial charge.

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

Parents can request section 20 accommodation for any child aged 0-18.

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

Only children who enter care under Section 20 will be included within this policy –

However, we are not able to say what age group this might more likely affect, both in terms of the parents or the children.

d) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

Charges related to young people over 16 are excluded from the policy

Remands to care will also be exempt - this covers children aged 10+ and who have reached the age of criminal responsibility

Similarly parents of any child that is relinquished for adoption will not be charged- this most usually applies to very young babies.

e) How will any mitigation measures be monitored?

Equality monitoring will be carried out of parents who request assessment, as well as their children, to understand if different age groups are disproportionately affected.

4.2 Disability: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

As the financial charging is not in place now, we are unable to identify if there is a disproportionate number of disabled parents who might, in the future, be subject to a charge.

b) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

Unknown, as this is not monitored now.

c) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

No charge will be applied, if care is required to support a family with a severely disabled child or if the accommodation is provided as part of an aftercare service under Section 117 of The Mental Health Act

d) How will any mitigation measures be monitored?

Equality monitoring will be carried out of parents who request assessment, as well as their children, to understand if disabled people are disproportionately affected.

4.3 Ethnicity: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

Because there has been no charging policy in place thus far it is not possible to determine the ethnicity of the parents and the children, where the proposed policy might require a charge in the future.

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

Different ethnic groups are not reflected disproportionately in the overall profile of children accommodated via Sec 20 and thus this proposal will not impact them disproportionately.

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

Because there has been no charging policy in place thus far it is not possible to determine the ethnicity of the parents and the children, where the proposed policy might require a charge in the future.

- d) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

Clear information to parents. Signposting to early help and other support services.

- e) Provide details of any mitigation.**

Clarifying and communicating the new charging policy through Single Point of Advice

- f) How will any mitigation measures be monitored?**

Equality monitoring of the parents of children who become looked after at the request of their parents; and of their children.

4.4 Gender/Transgender: Testing of disproportionate, negative, neutral or positive impact

- a) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?**

Different genders are not reflected disproportionately in the cohort of children, and of their parents and carers who are accommodated via Sec 20 and thus this proposal will not impact different genders.

- b) What actions will be taken to avoid any negative impact or to better advance equality?**

Equality monitoring and inclusion of the 'trans' question in social care monitoring systems.

4.5 Marital Status/Civil Partnership: Testing of disproportionate, negative, neutral or positive impact.

- a) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?**

We do not currently record the marital status of parents of children who are subject to Section 20

- b) What is the proposal, strategy or policy's impact on people who are married or same sex couples who have celebrated a civil partnership?**

In cases where parents are separated but are both found to be liable, the proposal is that the charge will be divided equally between the parents.

Where a Maintenance Order is in force in respect of the child, the sum as detailed in the Contribution Agreement will be claimed from the parent who receives the Maintenance Order.

- c) How will any mitigation measures be monitored?**

Equality monitoring in relation to marital status of the parents of children who become looked after at the request of their parents is currently being developed and improved.

4.6 Religion, Belief: Testing of disproportionate, negative, neutral or positive impact.

- a) **How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?**

Families with different religion or belief are not disproportionately represented in this cohort of families covered by this proposal.

4.8 Sexual Orientation - Gay, Lesbian, Bisexual and Heterosexual: Testing of disproportionate, negative, neutral or positive impact.

- a) **How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?**

We do not currently record the sexual orientation of parents of children who are subject to Section 20

- b) **Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?**

Unknown

- c) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

We are developing the capability to record sexual orientation of parents of children subject to Section 20.

4.9 Other: Additional groups/factors that may experience impacts - testing of disproportionate, negative, neutral or positive impact. –

Low income parents of children subject to Section 20.

a) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

Parents on low income will not be subject to the proposed charging policy. This includes if:

- they are in receipt of some means tested benefits including Income Support, any element of Child Tax Credit other than the family element of Working Tax Credit, income-based Job Seekers Allowance, or income related Employment Support Allowance.
- they have no personal finance from any source.

4.10 Human rights- Human rights place all public authorities – under an obligation to treat you with fairness, equality, dignity, respect and autonomy. **Please look at the table below to consider if your proposal, policy or strategy may potentially interfere with a human right.**

Articles	
A2	Right to life (e.g. pain relief, suicide prevention)
A3	Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)
A4	Prohibition of slavery and forced labour (e.g. safeguarding vulnerable adults)
A5	Right to liberty and security (financial abuse)
A6 & 7	Rights to a fair trial; and no punishment without law (e.g. staff tribunals)
A8	Right to respect for private and family life, home and correspondence (e.g. confidentiality, access to family)
A9	Freedom of thought, conscience and religion (e.g. sacred space, culturally appropriate approaches)
A10	Freedom of expression (whistle-blowing policies)
A11	Freedom of assembly and association (e.g. recognition of trade unions)
A12	Right to marry and found a family (e.g. fertility, pregnancy)
Protocols	
P1.A1	Protection of property (service users property/belongings)
P1.A2	Right to education (e.g. access to learning, accessible information)
P1.A3	Right to free elections (Elected Members)

Part 5 – Conclusions and recommendations for decision makers

5.1 Summarise how this proposal/policy/strategy will show due regard for the three aims of the general duty across all the protected characteristics and ESCC additional groups.

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups
- Foster good relations between people from different groups

5.2 Impact assessment outcome Based on the analysis of the impact in part four please mark below ('X') with a summary of your recommendation.


X	Outcome of impact assessment	Please explain your answer fully.
X	A No major change – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.	The cohort of families that will be covered by the proposal to charge parents will be very small. Attention has been paid to identifying exemptions and to allowing senior staff discretion not to apply the policy, when it is deemed inappropriate to the safety and welfare of the child concerned.
	B Adjust the policy/strategy – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	
	C Continue the policy/strategy - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate	
	D Stop and remove the policy/strategy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.	

5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, strategy or policy?

Annual review will take place on any charges that have been levied as part of the financial review process.

5.6 When will the amended proposal, strategy or policy be reviewed?

Equality Impact Assessment

Date completed:	24.02.2020	Signed by (person completing)	Liz Rugg 
		Role of person completing	Assistant Director
Date:	24.02.2020	Signed by (Manager) Signature:	Stuart Gallimore 