EQUALITY IMPACT ASSESSMENT

1. **Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.**

Consideration should be given to the following questions. Please consider whether there are possible impacts for subsections of different protected characteristic groups.

- *How will the proposal promote equality (Please see the general duties)?*
- *What are the possible negative impacts on people in protected groups and those living in low income households and how will you mitigate for these?*
- *What if any, barriers do people who share protected characteristics face? Can these barriers be reduced, removed, mitigated?*
- *Share your EIA wider within Welsh Government, ask colleagues to consider unintended impacts.*
- *How have you/will you use the information you have obtained from research to identify impacts?*
- *How will you know if your piece of work is a success?*
- *Have you developed an outcomes framework to measure impact?*

The proposal relates to the continuity of foster carer approvals where a for-profit fostering service provider re-establishes itself as a not-for-profit model. It does not change eligibility for fostering services, access to support, approval standards, safeguarding requirements or regulatory oversight. The proposal will apply equally regardless of age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, or marriage and civil partnership status.

The proposal is expected to promote equality by supporting continuity and stability in foster placements and reducing the risk of unnecessary disruption to children and foster carers during organisational transitions. These benefits may be particularly relevant for children and foster carers who share protected characteristics, although no differential impacts have been identified.

No negative impacts on people with protected characteristics or those living in low-income households have been identified. The proposal does not create additional barriers to accessing services, nor does it introduce new requirements that would

disproportionately affect any protected group. Existing safeguarding arrangements, review processes and regulatory protections will continue to apply.

Evidence informing this assessment includes Welsh research and practice guidance on the importance of placement stability for children looked after in foster care. Research summarised in the Association for Fostering, Kinship and Adoption (AFKA) Cymru's *Improving Placement Stability for Children Looked After in Foster Placements* guide indicates that stable placements are associated with better outcomes for children and young people. The proposal seeks to support continuity of care and avoid unnecessary disruption where a foster carer's suitability has already been assessed and there has been no material change in circumstances. Consultation responses and stakeholder feedback will continue to be considered as the policy is finalised.

The success of the proposal will be demonstrated through the effective implementation of the new arrangements, continuity of foster placements during organisational transitions, and the absence of evidence of adverse impacts on individuals with protected characteristics. Ongoing policy monitoring, stakeholder feedback and implementation experience will inform any future review of the policy.

Given the technical and administrative nature of the proposal and the absence of identified differential impacts, a separate outcomes framework is not considered necessary. The impact assessment will, however, be kept under review as the policy develops and is implemented

Record of Impacts by protected characteristic:

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010. *(Please refer to the EIA guidance document for more information.)* It is important to note any opportunities you have identified that could advance or promote equality of opportunity. This includes identifying what we can do remove barriers and improve participation for people who are under-represented or suffer disproportionate disadvantage.

Lack of evidence is not a reason for *not assessing equality impacts*. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Age (think about different age groups)	**Positive impact.** The proposal is expected to support stability and continuity for children and young people living with foster carers by reducing the risk of disruption to foster placements when a fostering service provider transitions from a for-profit to a not-for-profit model. No negative impacts have been identified.	The proposal enables continuity of foster carer approvals in prescribed circumstances, avoiding the need for foster carers to undergo unnecessary reassessment where there has been no material change in their suitability. This is intended to maintain stable care arrangements for children and young people and minimise disruption during organisational transitions. The proposal does not alter eligibility for services, entitlements, safeguarding arrangements or regulatory standards.	No mitigation is required as no negative impacts have been identified. Existing safeguards, foster carer reviews, supervision arrangements and regulatory oversight by CIW will continue to apply. Ongoing monitoring and stakeholder feedback will be used to identify any unintended impacts arising from implementation.
Disability (consider the social model of disability[1] and the way in which your proposal could inadvertently cause, or could be used to	**Positive/neutral impact** No negative impacts have been identified for disabled children, young people, foster carers or prospective foster carers. By supporting continuity of foster carer approvals, the proposal may help maintain stable care	The proposal enables continuity of foster carer approvals in prescribed circumstances where a fostering service provider transitions from a for-profit to a not-for-profit model. It does not change eligibility for fostering services, approval standards, access to support,	No specific mitigation is required as no negative impacts have been identified. Existing statutory duties, safeguarding arrangements, foster carer reviews, support arrangements and regulatory oversight will continue to apply.

[1] Welsh Government uses the social model of disability. We understand that disabled people are not disabled by their impairments but by barriers that they encounter in society. Ensuring that your proposal removes barriers, rather than creating them, is the best way to improve equality for disabled people. For more information, go to the intranet and search 'social model'.

proactively remove, the barriers that disable people with different types of impairments)	arrangements and reduce disruption, which can be particularly beneficial for some disabled children and young people.	safeguarding requirements or regulatory oversight. The proposal is not expected to create new barriers for disabled people and is consistent with the social model of disability, as it maintains existing support arrangements rather than introducing additional processes or requirements that could disadvantage people with impairments.	Consultation responses and ongoing monitoring will be used to identify any unintended impacts on disabled people and any barriers that may emerge during implementation.
Gender Reassignment (the act of transitioning and Transgender people)	**Positive/Neutral impact** The proposal applies equally to all foster carers and children and is not expected to affect access to services, support or opportunities on the basis of gender reassignment.	The proposal concerns the continuity of foster carer approvals where a fostering service provider re-establishes as a not-for-profit organisation. It does not change eligibility for fostering services, approval standards, access to support, safeguarding requirements or regulatory oversight. The arrangements apply equally regardless of gender identity or gender reassignment status and do not introduce any new requirements that could create barriers or disadvantage for transgender people.	No mitigation required as no negative impacts have been identified. Existing equality and safeguarding protections will continue to apply.
Pregnancy and maternity	**Positive/Neutral impact** The proposal applies equally to all foster carers and children and is not	The proposal relates solely to the continuity of foster carer approvals where a fostering service provider re-establishes as a not-	No mitigation is required as no negative impacts have been identified. Existing equality, employment and

	expected to affect access to fostering services, support or opportunities on the basis of pregnancy or maternity status.	for-profit organisation. It does not change eligibility for fostering services, approval standards, access to support, safeguarding requirements or regulatory oversight. The arrangements apply regardless of pregnancy or maternity status and do not introduce any new requirements that could disadvantage people during pregnancy, maternity leave or the postnatal period.	safeguarding protections will continue to apply. Ongoing monitoring and stakeholder feedback will be considered to identify any unintended impacts arising from implementation.
Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)	**Neutral/positive impact** The proposal may have a positive impact by helping to maintain stable foster placements and continuity of care arrangements for children and young people from all racial and ethnic backgrounds, reducing unnecessary disruption during organisational transitions.	The proposal relates to the continuity of foster carer approvals where a fostering service provider re-establishes as a not-for-profit organisation. It does not change eligibility for fostering services, approval standards, access to support, safeguarding requirements or regulatory oversight. The arrangements apply equally regardless of race, ethnicity, nationality or immigration status. By avoiding unnecessary reassessment of foster carers where there has been no material change in suitability, the proposal supports placement stability and continuity for children and foster families. No evidence has been identified to suggest the proposal would have a disproportionate adverse	No specific mitigation is required as no adverse impacts have been identified. Providers should continue to communicate information in accessible formats where appropriate and existing monitoring, review and regulatory arrangements will be used to identify and address any unforeseen impacts.

		impact on any racial or ethnic group.	
Religion, belief and non-belief	**Positive/neutral impact** No negative impacts have been identified for people of different religions or beliefs, or those with no religious belief. The proposal may have a positive impact by helping to maintain stable foster placements and continuity of care arrangements, allowing children and foster carers to continue receiving support within established relationships and environments that can accommodate their faith, belief or non-belief needs.	The proposal relates to the continuity of foster carer approvals where a fostering service provider re-establishes as a not-for-profit organisation. It does not change eligibility for fostering services, approval standards, access to support, safeguarding requirements or regulatory oversight. The arrangements apply equally regardless of religion, belief or non-belief. By avoiding unnecessary reassessment of foster carers where there has been no material change in suitability, the proposal supports stability for children and foster families while maintaining existing support and review arrangements. No evidence has been identified to suggest the proposal would have a disproportionate adverse impact on any faith group or on those with no religious belief.	No specific mitigation is required as no adverse impacts have been identified. Existing duties to consider and support children's religious, cultural and belief needs will continue to apply. Providers should ensure that information about organisational changes is communicated clearly and appropriately to foster carers, children and families. Existing supervision, review and regulatory arrangements will continue, and consultation feedback and ongoing monitoring will be used to identify and address any unforeseen impacts.
Sex / Gender	**Positive/neutral impact** No negative impacts have been identified for people of any sex or gender. The	The proposal relates to the continuity of foster carer approvals where a fostering service provider	No specific mitigation is required as no adverse impacts have been identified. The proposal

	proposal may have a positive impact by helping to maintain stable foster placements and continuity of care arrangements for children and foster carers, reducing unnecessary disruption during organisational transitions.	re-establishes as a not-for-profit organisation. It does not change eligibility for fostering services, approval standards, access to support, safeguarding requirements or regulatory oversight. The arrangements apply equally regardless of sex or gender. By avoiding unnecessary reassessment of foster carers where there has been no material change in suitability, the proposal supports stability for children and foster families while maintaining existing support, supervision and review arrangements. No evidence has been identified to suggest the proposal would have a disproportionate adverse impact on women, men or people of any gender.	will be implemented consistently regardless of sex or gender. Existing supervision, review and regulatory oversight arrangements will continue to apply, and consultation feedback and ongoing monitoring will be used to identify and address any unforeseen impacts.
Sexual orientation (Lesbian, Gay and Bisexual)	**Positive/neutral impact identified.** No negative impacts have been identified for lesbian, gay or bisexual people. The proposal may have a positive impact by helping to maintain stable foster placements and continuity of care arrangements for children and foster carers, reducing unnecessary disruption during organisational transitions	The proposal relates to the continuity of foster carer approvals where a fostering service provider re-establishes as a not-for-profit organisation. It does not change eligibility for fostering services, approval standards, access to support, safeguarding requirements or regulatory oversight. The arrangements apply equally regardless of sexual orientation. By avoiding unnecessary	No specific mitigation is required as no adverse impacts have been identified. The proposal will be implemented consistently regardless of sexual orientation. Existing fostering standards, supervision, review and regulatory oversight arrangements will continue to apply, and consultation feedback and ongoing monitoring will be used to identify and

		reassessment of foster carers where there has been no material change in suitability, the proposal supports stability for children and foster families while maintaining existing support, supervision and review arrangements. No evidence has been identified to suggest the proposal would have a disproportionate adverse impact on lesbian, gay or bisexual people	address any unforeseen impacts
Marriage and civil partnership	**Positive/neutral impact identified.** No negative impacts have been identified for people who are married or in a civil partnership. The proposal may have a positive impact by helping to maintain stable fostering arrangements and reducing unnecessary disruption for foster carers and their families during organisational transitions.	The proposal relates to the continuity of foster carer approvals where a fostering service provider re-establishes as a not-for-profit organisation. It does not change eligibility for fostering services, approval standards, access to support, safeguarding requirements or regulatory oversight. The arrangements apply equally regardless of marital or civil partnership status. By avoiding unnecessary reassessment of foster carers where there has been no material change in suitability, the proposal supports stability for children and foster families while maintaining existing support, supervision and review arrangements. No evidence has been	No specific mitigation is required as no adverse impacts have been identified. The proposal will be implemented consistently regardless of marital or civil partnership status. Existing fostering processes, supervision, review and regulatory oversight arrangements will continue to apply, and consultation feedback and ongoing monitoring will be used to identify and address any unforeseen impacts.

		identified to suggest the proposal would have a disproportionate adverse impact on people who are married or in a civil partnership.	
Children and young people up to the age of 18	**Positive impact** The proposal is intended to benefit children and young people up to the age of 18 by supporting continuity and stability in foster care arrangements. By avoiding unnecessary disruption during the transition of a fostering service from a for-profit to a not-for-profit model, children are more likely to remain in stable placements with foster carers they know and trust.	The primary purpose of the proposal is to enable continuity of foster carer approvals in prescribed circumstances where a fostering service provider re-establishes as a not-for-profit organisation. This avoids the need for foster carers to undergo a full reassessment process where there has been no material change in their suitability and reduces the risk of uncertainty or disruption to existing foster placements. The proposal also maintains existing support, supervision and review arrangements, helping to safeguard children's wellbeing and stability.	The proposal includes safeguards to ensure children's welfare remains paramount. The incoming provider will be required to satisfy itself that key statutory information remains valid and up to date, and a mandatory review of the foster carer's approval will take place within 12 months of transfer as part of the existing review cycle. Existing support, supervision and regulatory oversight arrangements will continue. The impact on children and young people will be monitored through existing fostering service reviews, inspection arrangements and ongoing evaluation of the reforms. Any concerns identified through these processes will be addressed through existing safeguarding and regulatory mechanisms.
Low-income households	**Positive/neutral impact** No negative impacts have been identified for low-income households. The proposal may have a	The proposal enables continuity of foster carer approvals where a fostering service provider re-establishes as a not-	No specific mitigation is required as no adverse impacts have been identified. Existing support, supervision,

	positive impact by promoting stability and continuity for foster carers and children, helping to avoid unnecessary disruption that could create additional practical or financial pressures for fostering households.	for-profit organisation. It does not change eligibility for fostering services, foster carer allowances, approval standards, access to support, safeguarding requirements or regulatory oversight. By avoiding the need for unnecessary reassessment where there has been no material change in a foster carer's suitability, the proposal supports continuity of placements and fostering arrangements, reducing uncertainty for children and foster families. No evidence has been identified to suggest the proposal would have a disproportionate adverse impact on low-income households.	review and regulatory oversight arrangements will continue to apply, and consultation feedback and ongoing monitoring will be used to identify and address any unforeseen impacts on low-income households.

Human Rights and UN Conventions

Do you think that this policy will have a positive or negative impact on people's human rights? (*Please refer to point 1.4 of the EIA Guidance for further information about Human Rights and the UN Conventions).*

Human Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?
European Convention on Human	**Positive impact identified.** The proposal supports continuity and	The proposal enables continuity of foster carer approvals where there has	**No specific mitigation is required as no adverse impacts have been**

Rights (ECHR) **Article 8: Right to respect for private and family life**	stability for children living in foster care by reducing the risk of disruption to existing placements and relationships during the transition of a fostering service from a for-profit to a not-for-profit organisation.	been no material change in the foster carer's suitability. This supports placement stability and helps maintain established caring relationships and family connections, supporting the principles underpinning Article 8	**identified.** Existing safeguarding, review and regulatory oversight arrangements will continue, including a mandatory review of approval within 12 months of transfer.
European Convention on Human Rights (ECHR) **Article 14: Non-discrimination**	**Positive/neutral impact identified.** The proposal applies equally to all affected foster carers and children and is not expected to result in discrimination against any individual or group.	The arrangements are based on continuity of the fostering service provider and do not change eligibility for fostering services, approval standards, support arrangements or regulatory requirements. The proposal applies regardless of personal characteristics or protected characteristics	**No specific mitigation is required as no adverse impacts have been identified.** Consultation feedback and ongoing monitoring will be used to identify and address any unforeseen impacts.
United Nations Convention on the Rights of the Child (UNCRC) **Article 3: Best interests of the child**	**Positive impact identified.** The proposal promotes children's welfare by supporting continuity and stability in foster care arrangements.	By reducing the risk of disruption caused by unnecessary reassessment of foster carers, the proposal helps ensure that children's best interests remain a primary consideration during organisational transitions. Existing support, supervision and safeguarding arrangements will continue.	**No specific mitigation is required as no adverse impacts have been identified.** Existing safeguards, reviews and regulatory oversight will continue to protect and promote children's welfare.

United Nations Convention on the Rights of the Child (UNCRC) **Article 20: Children deprived of their family environment**	**Positive impact identified.** The proposal supports the provision of stable and appropriate alternative care for children who cannot live with their birth families.	The proposal helps maintain continuity of foster placements by enabling approvals to continue where a provider re-establishes as a not-for-profit organisation. This reduces uncertainty and supports stable foster care arrangements.	**No specific mitigation is required as no adverse impacts have been identified.** Existing care planning, support, review and regulatory arrangements will remain in place.

EU/EEA and Swiss Citizens' Rights

Part 2 of the EU-UK Withdrawal Agreement, along with the EEA EFTA Separation Agreement and Swiss Citizens Rights Agreement ("Citizens Rights Agreements") give EU, EEA[2] and Swiss citizens who were lawfully resident in the UK by 31 December 2020 certainty that their citizens' rights will be protected.

The Citizens Rights Agreements are implemented in domestic law by the European Union (Withdrawal Agreement) Act 2020 (EUWAA)[3]

Eligible individuals falling within scope of the Citizens Rights Agreements will have broadly the same continued entitlements to work, study and access public services and benefits, in as far as these entitlements have derived from UK membership of the EU as well as its participation in the EEA Agreement and the EU-Swiss Free Movement of Persons Agreement.

Subject to certain limited exceptions[4], individuals will need to have applied for a new residence status (either pre-settled or settled status) through the EU Settlement Scheme. The deadline for making such an application expired on 30 June 2021.

Policy considerations to take into account:

- Have you considered if your policy proposal will impact EU, EEA or Swiss citizens whose rights are protected by the Citizens Rights Agreements?
- If there is the potential for any negative impact on such EU EEA or Swiss citizens, how will any such impacts be eliminated or managed if management is deemed appropriate?
- Is legal advice required?

Please consider the impacts of your policy on the areas below, indicating whether the impact is positive or negative and any action required to eliminate potential negative impact. Please note the basis for your answer, including where legal advice has been sought and please also indicate where a right is not relevant for your policy:

Residency – the right to reside and other rights related to residence: rights of exit and entry, applications for residency, restrictions of rights of entry and residence

Neutral Impact: The proposal does not affect the right of EU, EEA or Swiss citizens to reside in the UK, nor does it affect rights of entry, exit, residence applications or immigration status. The regulations relate solely to the continuity of foster carer approvals where a

[2] The EAA includes the EU countries as well as Iceland, Liechtenstein and Norway.
[3] Sections 5 and 6 of EUWAA.
[4] E.g. where an individual has Irish citizenship (including dual British and Irish citizenship) or where they had indefinite leave to enter or remain in the UK)

fostering service provider re-establishes as a not-for-profit organisation.

Mutual recognition of professional qualifications –the continued recognition of professional qualifications obtained by EU/EEA/Swiss citizens in their countries (and already recognised in the UK);

Neutral Impact: The proposal does not concern professional qualifications or the recognition of qualifications obtained in EU, EEA or Swiss states. Foster carer approval is not dependent on the mutual recognition of professional qualifications under the Citizens' Rights Agreements

Access to social security systems – these include benefits, access to education, housing and access to healthcare

Neutral Impact: The proposal does not affect entitlement to benefits, healthcare, education, housing or any other social security rights. It does not alter eligibility for fostering services, foster carer allowances, support arrangements or access to public services.

Equal treatment – this covers non-discrimination, equal treatment and rights of workers;

Positive/Neutral Impact: The proposal applies equally to all affected foster carers and children regardless of nationality or immigration status. By enabling continuity of foster carer approvals where prescribed conditions are met, it supports consistency of treatment and continuity of care arrangements. No evidence has been identified that EU, EEA or Swiss citizens would be disadvantaged by the proposal.

Workers rights - Workers and self-employed persons who are covered under the Citizens Rights Agreements are guaranteed broadly the same rights as they enjoyed when the UK was a Member State. They have a right to not be discriminated against due to nationality, and the right to equal treatment with UK nationals.

Neutral Impact: The proposal does not affect employment rights, self-employment rights, frontier worker rights or protections arising under the Citizens' Rights Agreements. The regulations deal solely with foster carer approvals and do not alter employment status or workers' rights.