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Closed consultation

# Equalities impact assessment: introducing a separate judgement about care leavers within the inspection of local authority children's services

Updated 22 June 2022

**Applies to England**

# Introduction

This equalities impact assessment sets out how the introduction of a separate judgement on the experiences and progress of care leavers within our inspection of local authority children's services (ILACS) framework will enable us to fulfil the requirements of the [Equality Act 2010](#), including the public sector equality duty (PSED) set out in [section 149 of the Equality Act 2010](#).

The PSED requires Ofsted, when exercising its functions, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- 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

This sets out our assessment of how the proposed changes may affect people in terms of protected characteristics, and how they meet the 3 PSED aims. We will consider any consultation responses that raise matters related to equalities, diversity and inclusion (EDI). This may result in changes to our proposals or to this assessment.

## Proposals

The consultation asks for comments on:

- introducing a separate new judgement within ILACS: 'The experiences and progress of care leavers'
- reviewing and updating the existing evaluation criteria to ensure that they are relevant and reflect what good looks like for care leavers
- introducing the new judgement after all local authorities have at least one ILACS inspection outcome

## How the proposals may affect people in terms of protected characteristics, and how they meet the 3 PSED aims

We have considered how the proposals in our consultation could have an impact on individuals or groups of people in terms of the protected characteristics. We have also considered whether they meet the 3 PSED aims.

The protected characteristics are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex

- sexual orientation
- marriage and civil partnerships

## **Eliminating discrimination**

We do not believe the proposed change will impact on Ofsted's ability to have due regard to eliminating unlawful discrimination during inspections.

There is growing awareness and an increasing body of research regarding the stigma and prejudice often encountered by care-experienced young adults. It is important that we acknowledge the additional barriers care-experienced young adults may face, and how these affect their ability to lead happy and fulfilled lives. Care leavers are often vulnerable young adults: they are more likely to be in prison, homeless and suffering from mental health difficulties than their peers, and less likely to be in education, employment or training.

The aims and purpose of the proposed change are consistent with the aim of eliminating unlawful discrimination, and will support improvements in children's services. All current and future care leavers have, or will have, protected characteristics. Extending or updating the evaluation criteria will enable us to support and challenge local authorities to eliminate discrimination by increasing oversight of the quality of local authority services and decision-making for care leavers. The proposed evaluation criteria will include the extent to which local agencies consider the identity, background and views of care leavers.

Part of inspectors' evaluation will include looking at the experiences of care leavers who share certain protected characteristics. This will help inspectors to identify any prohibited conduct, including any disparity in the experiences of care leavers with certain protected characteristics.

The data that inspectors will request from local authorities includes fields for gender, ethnicity, age and disability. Inspectors will use this data to identify lines of enquiry about the experiences of care leavers who share relevant protected characteristics. Inspectors will also use this data to select a diverse sample of care leavers whose experiences they will evaluate.

Inspectors will look at case files, and speak to care leavers, to evaluate whether local authorities have taken account of any needs that a care leaver has in relation to relevant protected characteristics.

Inspectors will notify a senior officer in the local authority as soon as possible if serious issues of concern are identified during an inspection regarding unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010.

## **Advancing equality of opportunity**

We do not believe the proposed change will impact on Ofsted's ability to have due regard to advancing equality of opportunity during inspections.

The purpose of this change is consistent with the aim of advancing equality of opportunity between people who share a protected characteristic and people who do not share it. Care leavers with certain or multiple protected characteristics may be marginalised within society and have their life chances reduced more than other care leavers.

Providing a separate judgement for care leavers will advance equality of opportunity

between care leavers who share a relevant protected characteristic and those who do not. A specific judgement for care leavers will enable us to set out more clearly in our reports when and how care leavers' opportunities vary in relation to relevant protected characteristics.

A specific judgement and evaluation criteria will provide a national picture of the quality of decision-making, support and services for this vulnerable group of children and young adults.

## Fostering good relations

We do not believe that the proposed change will impact on Ofsted's ability to have due regard to fostering good relations during inspections.

Inspections are intended to have a positive impact for all children, young adults and their families. Ofsted already seeks to understand the experiences and progress of care leavers in order to support local authorities to improve. The proposed change provides increased assurance about the inclusiveness and quality of the services being provided to all care leavers.

The sector will also benefit from inspections through published overviews that promote whole-system learning.

## Monitoring and evaluation

We consider that we have given full and appropriate consideration to all elements of the PSED. The consultation process on the proposed new arrangements provides an opportunity for all stakeholders to raise any concerns they may have in relation to EDI. We may revise this assessment in the light of any responses we receive. If we revise it, we will republish it with our report on the outcome of the consultation.

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