

Protected Characteristics for Care Leavers

Report of the Executive Director People and Integration
Director of Children's Services

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 There is growing momentum nationally across Local Authorities and other organisations to make care leavers a protected characteristic within their policies to seek to redress inequalities faced by care experienced young people.
- 1.2 This report puts forward a proposal that individuals with care experience are treated as if it were a Protected Characteristic under the Equality Act 2010. The Government have not yet made this a legal requirement but that does not prevent the council adopting this approach.

2. BACKGROUND

- 2.1 The independent review of children's social care led by Josh MacAllister, published a final report and recommendations in May 2022 that included:

"Government should make care experience a protected characteristic" and

"New legislation should be passed which broadens corporate parenting responsibilities across a wider set of public bodies and organisations."

On Protected Characteristics for Care Experience

"Many care experienced people face discrimination, stigma, and prejudice in their day to day lives. Public perceptions of care experience centre on the idea that children are irredeemably damaged and that can lead to discrimination and assumptions being made."

- 2.2 Nationally 43 Local Authorities have already agreed to treat care leavers as a protected characteristic.
- 2.3 The importance of the approach has been identified by the Children's Commissioner who in June 2023 commenced their own engagement on whether care experience individuals believe it would make a difference to their lives:-

"That is why I am today launching an opportunity for care experienced people to tell me what they think about this proposal – whether they believe it would make a difference to their lives, or not, and why".

<https://www.childrenscommissioner.gov.uk/blog/tell-me-what-you-think-about-whether-care-experience-should-be-given-protection-in-law/>

3. CARE LEAVERS IN STOCKPORT

- 3.1 Stockport Council is proud of the support offered to Care Leavers in the borough. Ofsted, when they inspected Children's Services in March 2022 found services for Care Leavers to be good. Inspectors commented: "*Children in care and care leavers receive very effective support that meets their needs.*" Furthermore they noted, "*care leavers who spoke with inspectors were overwhelmingly positive about the support they receive from their workers.*" They also identified that "*there is a strong corporate-wide commitment to care leavers.*"
- 3.2 Despite this strong corporate and political commitment to care leavers. Stockport Council believes that care experienced people face significant barriers that impact them throughout their lives and notes that in spite of the resilience of many care experienced people, society too often does not take their needs into account.
- 3.3 Care experienced people often face discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system. Furthermore we acknowledge that children coming into our care can be separated from their brothers and sisters and placed outside their home Local Authority Area. That they don't choose to enter the care system, that they don't choose to be split up from their siblings and don't choose to be placed outside their local area. This separation can have a profound impact on their identity and emotional well-being which is lifelong.
- 3.4 The Public Sector Equality Duty requires public bodies, such as councils, to eliminate unlawful discrimination, harassment, and victimisation of people with protected characteristics. It is for these reasons that it is proposed that Stockport Council joins the 43 Local Authorities who have already done so and adopts the policy of treating care leavers as a protected characteristic.
- 3.5 The impact of this will mean that:
 - 3.5.1 when making any decisions in relation to its policies or formulating its plans that the council recognises that care experienced people are a vulnerable group who face discrimination;
 - 3.5.2 the council recognises that Councils have a duty to put the needs of vulnerable people at the heart of decision-making through co-production and collaboration;
 - 3.5.3 in the delivery of the Public Sector Equality Duty the council includes care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a Protected Characteristic in services and employment;
 - 3.5.4 this council will treat care experience as if it were a Protected Characteristic so that future services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic;

- 3.5.5 to formally call upon all other associated bodies to treat care experience as a protected characteristic until such time as it may be introduced by legislation;
- 3.5.6 for the Council to proactively seek out and listen to the voices of care experienced people when developing new policies.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 4.1 There are no direct financial implications from the proposal but increased awareness of support offered may lead to increased demand on services and resources.

5. LEGAL CONSIDERATIONS

- 5.1 The Equality Act 2010 is intended to eliminate discrimination and specifically references nine protected characteristics for that purpose, including (but not limited to) age, disability, race and religion.
- 5.2 The Children and Social Work Act 2017 addresses the corporate parent principles and the duties of the local authority, in addition to the related duties under The Children Act 1989. Acknowledging a personal characteristic, such as care experience, as being akin to a protected characteristic furthers the principles of the Equality Act in the absence of legislative change and the addition of a further protected characteristic.
- 5.3 The proposal contained in this report should be reviewed in the event that legislation is introduced to add care experience as a tenth protected characteristic to the Equality Act 2010.

6. HUMAN RESOURCES IMPACT

- 6.1 There are none.

7. EQUALITIES IMPACT

- 7.1 The council should consider how best to engage and consult with their care leavers in the development of the policies and the relevant implementation plan.

8. ENVIRONMENTAL IMPACT

- 8.1 There is none.

9. CONCLUSIONS AND RECOMMENDATIONS

- 9.1 [Scrutiny] The Scrutiny Committee is asked to review and comment on the report.
- 9.2 [Scrutiny] The Scrutiny Committee is asked to note that once approved by Cabinet, officers will work with the Care Leavers Forum to produce an action plan for the implementation of this change which will be presented to the Scrutiny Committee and Cabinet in Spring 2024.

- 9.3 [Cabinet] To agree to Care Leavers / Care Experience being treated by the council as a Protected Characteristic.
- 9.4 [Cabinet] To note that once approved by Cabinet, officers will work with the Care Leavers Forum to produce an action plan for the implementation of this change which will be presented to Cabinet in Spring 2024.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Jeanette Warburton at jeanette.warburton@stockport.gov.uk