
Care Experienced - a Proposal Protected Characteristic

Committee considering report:	Executive
Date of Committee:	23 May 2024
Portfolio Member:	Councillor Heather Codling
Report Author:	Karl Davis
Forward Plan Ref:	EX4510

1 Purpose of the Report

The purpose of the report is to request that the Executive adopt the proposal that being a 'care experienced' person will be viewed as a protected characteristic by West Berkshire Council and afforded the same protections and rights as other groups who are considered to have a protected characteristic in the Equalities Act 2010.

2 Recommendation

It is recommended that the Executive adopt the motion agreed at Full Council on 26th March 2024 (Attachment 1) that enshrines the term 'care experienced' as a protected characteristic.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	None
Human Resource:	Policies, procedures, and equalities training will need to be updated to include care experienced as a protected characteristic.
Legal:	The Public Sector Equality Duty requires the council to produce a review of equality objectives in the annual publication of information relating to people who share a protected characteristic in services and employment. Consideration will need to be made if, and how care experience will be included in this.

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Risk Management:	Future decisions about services and policies made and adopted by the Council will need to 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.			
Property:	None			
Policy:	All policies need to consider the impact on people with a protected characteristic.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	X			This proposal aims to redress some of the inequalities experienced by care leavers. Equalities Impact Assessment completed
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		This proposal will not impact people with existing protected characteristics.
Environmental Impact:		X		None
Health Impact:		X		There is potential for us to influence health colleagues to recognise and respond to care experienced people as having a protected characteristic and improve health access and outcomes for this group.

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ICT Impact:		X		None
Digital Services Impact:		X		None
Council Strategy Priorities:	X			Strategic Priority: Ensure our vulnerable children and adults achieve better outcomes. The adoption of this proposal will enhance the opportunities for care experienced people to achieve their potential.
Core Business:	X			There is a legal duty on the council to provide support services to care leavers aged 18-25 years. The adoption of this proposal will enhance the local offer and improve the quality of lives and outcomes for this group.
Data Impact:		X		None
Consultation and Engagement:	There has been dialogue with various people and organisations about the adopting of this proposal. These have included Ofsted (during a recent inspection visit); the Lead Member; internal officers and Young People. The appetite for adopting the proposal is positive and seen as beneficial to the council and those who are care experienced.			

4 Executive Summary

4.1 The Independent Review of Children’s Social Care, published in May 2022 (The “Macallister review”), recognised the often-negative outcomes for people with care experience and recommended that the government should make ‘care experienced’ a protected characteristic. The final report recognised that there are a range of barriers and discrimination care leavers can face throughout life, examples include, but are not limited to:

- 70% of people who have been in care die earlier than would otherwise be expected
- Over half of those in custody up to the age of 21 have been in care
- A quarter of the homeless population in England and Wales has experience of the care system.

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- 4.2 The report concluded that 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.
- 4.3 This stigma and discrimination can be explicit, and often comes with assumptions about the likely characteristics of children and adults that have care experience. They can also be implicit and are evidenced in the way care experience is discussed in schools, workplaces, and the media.
- 4.4 At its worst this can lead to care experienced people being refused employment, failing to succeed in education or facing unfair judgements about their ability to parent when they have children and families of their own.
- 4.5 Many care experienced people in West Berkshire are among the most resilient and capable in the district, and that as corporate parents, we should be nurturing and supporting their talents to help them reach their full potential.

5 Supporting Information

Proposal

The Executive are requested to propose, support and adopt the following motion:

Executive notes that:

- Care experienced people face significant barriers that impact them throughout their lives;
- Despite the resilience of many care experienced people, society too often does not take their needs into account;
- Care experienced people often face discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system;
- Care experienced people may encounter inconsistent support in different geographical areas;
- As corporate parents, councillors have a collective responsibility for providing the best possible care and safeguarding for the children who are looked after by us as an authority;
- All corporate parents should commit to acting as mentors, hearing the voices of looked after children and young people and to consider their needs in any aspect of council work;
- Councillors should be champions of the children in our care and challenge the negative attitudes and prejudice that exists in all aspects of society;
- The Public Sector Equality Duty requires public bodies, such as councils, to eliminate unlawful discrimination, harassment, and victimisation of people with protected characteristics.

This Executive therefore resolves:

- That it recognises that care experienced people are a group who are likely to face discrimination;
- That it recognises that Councils have a duty to put the needs of disadvantaged people at the heart of decision-making through co-production and collaboration;
- That future decision, 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.
- That 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.
- That this Council will treat care experience as if it were a Protected Characteristic.
- To formally call upon all other bodies to treat care experience as a protected characteristic until such time as it may be introduced by legislation.
- For the council to continue proactively seeking out and listening to the voices of care experienced people when developing new policies based on their views.

The motion was proposed by the Lead Member for Children to Full Council on 26.04.2024.

6 Other options considered

Do nothing, proposal not accepted.

7 Conclusion

There is well documented research and evidence that shows the outcomes for adults who were in care as children are poorer than the general population. They experience discrimination, prejudice and barriers in their daily lives in many ways. The 'Independent Review of Children's Social Care' has recommended to Government that the term 'Care Experienced' becomes a protected characteristic under the Equalities Act 2010. Many Local Authorities have already adopted this recommendation locally and incorporated it into their policies and procedures. West Berkshire council is committed to being a good corporate parent and improving the lives of disadvantaged groups. The Executive are requested to support the proposal of a motion to be presented at full council that adopts being a 'care experienced' person will be viewed as a protected characteristic and afforded the same protections and rights as other groups who are considered to have a protected characteristic in the Equalities Act 2010.

8 Appendices

8.1 Appendix A – Equalities Impact Assessment

Background Papers:

None

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

Officer details:

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Section 1: Summary details

Directorate and Service Area	Children and Families Service
What is being assessed (e.g. name of policy, procedure, project, service or proposed service change).	The proposal that being a 'care experienced' person will be viewed as a protected characteristic by West Berkshire District Council and afforded the same protections and rights as other groups who are considered to have a protected characteristic in the Equalities Act 2010.
Is this a new or existing function or policy?	New Policy
Summary of assessment Briefly summarise the policy or proposed service change. Summarise possible impacts. Does the proposal bias, discriminate or unfairly disadvantage individuals or groups within the community? (following completion of the assessment).	The Executive are asked to recommend to the council that they adopt the proposal that being a 'care experienced' person will be viewed as a protected characteristic by West Berkshire District Council and afforded the same protections and rights as other groups who are considered to have a protected characteristic in the Equalities Act 2010.
Completed By	Karl Davis
Authorised By	Dave Wraight
Date of Assessment	

Section 2: Detail of proposal

<p>Context / Background</p> <p>Briefly summarise the background to the policy or proposed service change, including reasons for any changes from previous versions.</p>	<p>The Independent Review of Children’s Social Care, published in May 2022 (The “Macallister review”), recognised the often-negative outcomes for people with care experience and recommended that the government should make ‘care experienced’ a protected characteristic.</p> <p>The report concluded that 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.</p> <p>This stigma and discrimination can be explicit, and often comes with assumptions about the likely characteristics of children and adults that have care experience. They can also be implicit and are evidenced in the way care experience is discussed in schools, workplaces, and the media. At its worst this can lead to care experienced people being refused employment, failing to succeed in education or facing unfair judgements about their ability to parent when they have children and families of their own.</p> <p>Many care experienced people in West Berkshire are among the most resilient and capable in the district, and that as corporate parents, we should be nurturing and supporting their talents to help them reach their full potential.</p>
<p>Proposals</p> <p>Explain the detail of the proposals, including why this has been decided as the best course of action.</p>	<p>The Council resolves:</p> <ul style="list-style-type: none"> • That it recognises that care experienced people are a group who are likely to face discrimination; • That it recognises that Councils have a duty to put the needs of disadvantaged people at the heart of decision-making through co-production and collaboration; • That future decision, 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. • That 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.

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	<ul style="list-style-type: none">• That this Council will treat care experience as if it were a Protected Characteristic.• To formally call upon all other bodies to treat care experience as a protected characteristic until such time as it may be introduced by legislation.• For the council to continue proactively seeking out and listening to the voices of care experienced people when developing new policies based on their views.
<p>Evidence / Intelligence</p> <p>List and explain any data, consultation outcomes, research findings, feedback from service users and stakeholders etc, that supports your proposals and can help to inform the judgements you make about potential impact on different individuals, communities or groups and our ability to deliver our climate commitments.</p>	<p>There is well documented research and evidence that shows the outcomes for adults who were in care as children are poorer than the general population. They experience discrimination, prejudice and barriers in their daily lives in many ways. The ‘Independent Review of Children’s Social Care’ has recommended to Government that the term ‘Care Experienced’ becomes a protected characteristic under the Equalities Act 2010. Many Local Authorities have already adopted this recommendation locally and incorporated it into their policies and procedures. West Berkshire council is committed to being a good corporate parent and improving the lives of disadvantaged groups.</p>

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<p>Alternatives considered / rejected</p> <p>Summarise any other approaches that have been considered in developing the policy or proposed service change, and the reasons why these were not adopted. This could include reasons why doing nothing is not an option.</p>	<p>Do nothing and not adopt the proposed protected characteristic.</p>
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Section 3: Impact Assessment - Protected Characteristics

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Marriage & Civil Partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Pregnancy & Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Sexual Orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Religion or Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Section 3: Impact Assessment - Additional Community Impacts

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Rural communities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Areas of deprivation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Displaced communities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A proportion of care experienced young people are former UASC therefore the impact would be positive on them			
Care experienced people	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal that being a 'care experienced' person will be viewed as a protected characteristic will have a positive effect on that group.			

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Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
The Armed Forces Community	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Section 4: Review

Where bias, negative impact or disadvantage is identified, the proposal and/or implementation can be adapted or changed; meaning there is a need for regular review. This review may also be needed to reflect additional data and evidence for a fuller assessment (proportionate to the decision in question). Please state the agreed review timescale for the identified impacts of the policy implementation or service change.

Review Date	
Person Responsible for Review	
Authorised By	

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.