

31 July 2024		ITEM: 9
Corporate Parenting Committee		
Care Experience as a locally protected characteristic		
Wards and communities affected: All	Key Decision: No	
Report of: Trevor Willis, Service Manager - Quality Assurance and Safeguarding Childrens Services		
Accountable Assistant Director: Janet Simon – Assistant Director, CSC & Early Help		
Accountable Director: Sheila Murphy – Executive Director, Children’s Services		
This report is public		
Version: Final		

Executive Summary

To note a motion has been received and accepted for Full Council on 24/07/2024 to consider granting young people who have experience of being cared for by the Local Authority to be granted protected characteristics locally within the Council, in line with provisions made for other groups under the Equality Act 2010. If the motion is passed, this will ensure that there is recognition by the Council of the impact of being a care experienced young person and how this can affect the opportunities afforded to them.

This report outlines the challenges, barriers and discrimination encountered by care experienced young people into adulthood which would be mitigated by their care experience being recognised as a protected characteristic. The local authority is ambitious to provide the best possible opportunities to care experienced young people – offering them equal access but also encouragement to benefit from opportunities and support as needed, such that they can reach their potential in their work lives but also their personal lives including their interests and aspirations as members of the community.

1. Recommendation(s)

1.1 To note the Council motion on 24 of July 2024 and understand the benefits of granting protected status to care experienced young people.

2. Introduction and Background

2.1 This report is the outcome of a meeting with the Thurrock Young Voices Group. This group consists of young people aged 11 to 25 years old who meet monthly and have experience of the Local Authority involvement. Some of the group shared their experiences of having been in care in Thurrock and how this impacts upon their future prospects. The group are aware of a significant number of other local

authorities adopting care experience as a protected characteristic, and have requested that Thurrock Council, in their role as corporate parent, commit to doing the same.

- 2.2 The definition of 'care experience' has not been universally agreed and can vary nationally. As part of this report, 'care experienced' will apply to young people who have been 'looked after' at some point in their childhood and are entitled to receive services under the Children Act 1989, Leaving Care Act 2000 and the Children and Social Work Act 2017. As such, it does not include children who have been adopted as their support and services are covered under the Adoption Act 2000. However, we also recognise that 'care experience' can be interpreted as a lifelong characteristic – which goes further than the definition of 'care leaver' attached to the statutory duty of supporting young people leaving care between 18-25.
- 2.3 The Equality Act 2010 is the legal framework designed to protect the right of equal opportunity and unlawful discrimination, harassment and victimisation based on someone's personal and protected characteristics, including race and ethnicity, pregnancy and maternity, age, disability, sexual orientation, gender reassignment, gender, faith or non-faith, marriage, and civil partnership. The Act does not include 'care experience' as a protected characteristic.
- 2.4 The number of children cared for by Thurrock has ranged in the last year between 288 to 308(March 2023 to March 2024). Figures for March 2024 showed that there were 294 children and young people in the care of the local authority (65.1 children per 10,000). 58% of these children were male and 42% female. As of March 2024, there were an additional 267 care leavers who are entitled to a service from the leaving care team (aged 16 to 25)

3. Issues, Options and Analysis of Options

- 3.1 Within Thurrock it is firmly believed that young people in the care of the Local Authority deserve the best possible opportunity to succeed in achieving their ambitions and goals.
- 3.2 Under the Children Act 1989, the local authority must provide support to care leavers. The proposal for the Council to recognise care experience as a protected characteristic locally will create a commitment from the Local Authority towards these young people in the same way as those with legally recognised protected characteristics under the Equality Act requires the Council to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation. This also includes to:
 - Remove or reduce disadvantages suffered by people because of a protected characteristic.
 - Meet the needs of people with protected characteristics.
 - Encourage people with protected characteristics to participate in public life and other activities.
- 3.3 The Executive Director of Children's Services, the Lead Member for Children's Services and the Council already have a statutory responsibility to act as effective and caring corporate parents for all Children Looked After and Care Experienced Young People (The Children and Social Work Act 2017).

3.4 In line with our Corporate Parenting responsibility, there has been considerable development in the care leaving services over the past 2 years, with the provision of additional personal advisors and the creation of an additional team manager post to support improvements and need in the service. Also, there are plans to realign the service to create a more bespoke team to meet the more specific needs of unaccompanied asylum-seeking children through to adulthood.

The Local Offer to care leavers is extensive and includes support from housing, employment and financial advisors and a range of financial support for example.

- We currently help our young people by financing their prescription costs and exempting them from Council tax up to the age of 21 and there is consideration given to a further exemption from council tax for care leavers up to the age of 25 who are assessed to be extremely vulnerable.
- There is provision to support our young people over the age of 18 who have secured social housing by paying the first weeks rent as well as a £3000 grant to assist them in setting up home. The service also pays for the TV license for the first year of a tenancy as well as the first four weeks of utility bills when a young person moves into their accommodation.
- A package of support for young people attending university or planning a gap year -including provision of funding/support to visit universities accompanied by a friend, PA or carer when making choices.

In addition, there is.

- Provision of health advice and support including mental health support
- The IRO review service provides a post 18 review to assist in overseeing the transition to adulthood and to avoid the sudden end of the IRO relationship.
- Support and guidance to care leavers post 25 years who request it.

The Corporate Parenting Committee has shown considerable interest in hearing the voice of children in care and care leavers and also educating themselves in the issues facing care experienced young people.

Figures for 2023/24 showed that Care leavers within Thurrock benefit from the support offered to them from the leaving care service. 95.9% of young people open to the Leaving Care Service aged 17 to 18, 95.9% of young people aged 19 to 21 and 95% of young people aged 22 to 25 keep in touch with the team which is higher than statistical neighbours (92% for 17- to 18-year-olds and 93% for 19- to 21-year-olds). This allows workers to build and maintain meaningful relationships with young people to offer them ongoing advice and support.

These relationships allow the allocated worker to provide support to the young person in securing accommodation with 91.9% of 17- to 18-year-olds, 94.7% of 19- to 21-year-olds and 91.7% of 22 to 25-year-olds living in suitable accommodation during

the same time period, which compared positively to figures for statistical neighbours of 88% for 17- to 18-year-olds and 89% of 19–21-year-olds.

One area of continued focus remains supporting our young people in employment, education, or training (EET). Figures for 2023/24 showed that within Thurrock 56.8% of 17- to 18-year-olds, 49.6% of 19- to 21-year-olds, and 36.7% of 22- to 25-year-olds open to the Leaving care service were in education, employment, or training. This does not compare as favourably with the data for statistical neighbours who report that 63% of 17- to 18-year-olds 55% of 19- to 21-year-olds were EET during the same time frame.

Therefore, in Thurrock those young people classed as Care Leavers not in education employment or training (NEET) is slightly higher than figures for statistical neighbours and the rest of the country. It is important that in our role as corporate parents we seek to address this imbalance and explore every possible opportunity to support our young people to continue in their education or seek employment or training. As a young person transitions into adulthood the prospects of them finding employment without prior experience or training would be significantly lower and they would find themselves at a disadvantage to their peers.

Faced with an increasingly competitive job market it is important that we can provide opportunities to our young people with care experience to empower them to aspire for their future that includes gainful employment and access to services.

As a council we must continue to have high aspirations for our looked after young people and therefore it is imperative that we champion them wherever possible in all aspects of their transition to adulthood. There is the capacity and creativity within Thurrock council to provide meaningful opportunities for care experienced young people to so that we can address this imbalance. Providing protected characteristics locally for care experienced young people would be seen as the first step in giving them equality of access to experiences in employment, education, or training, and limit the disadvantages they face when compared to other children who have had more settled backgrounds.

Despite the resilience of many of our care experienced people, society too often does not take their needs into account and as Corporate Parents we have a special responsibility for providing the best possible care and support.

We want to support our young people, by offering them protected status locally to empower them in securing services, employment, training and other opportunities, within the Council.

We also want to support care experienced young people to be able to take part, enjoy and excel in other activities for example performing arts, community events and specialist interests- such that they are encouraged and supported to take part and have their voice heard.

By providing our young people with meaningful opportunities we would serve to boost their self-esteem, and sense of worth as well as provide them with the circumstances to break the patterns of previous experiences and provide them with a purpose and productive vision for their future.

If care experience is adopted as a protected characteristic it will ensure that the 'corporate parenting responsibility', (namely the collective responsibility of all elected members, staff, and partner agencies), will have a positive impact by ensuring that care experienced young people have equality of opportunity to live the happiest and healthiest life as possible so they can reach their full potential and to support their transition into adulthood.

4. Reasons for Recommendation

- 4.1 According to Independent Review for Children's Social Care (May 2022) "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." This stigma and negative representation are widely discussed in the media and popular culture, which is felt by care experienced adults themselves who have found these media stereotypes 'particularly damaging.
- 4.2 This stigma can lead to differential treatment by professionals and in society at large. This has been evidenced in the field of education, where children and young people with experience of care have reported that their teachers treated them differently, which was 'characterised by sympathy, concern, and lower expectations in terms of behaviour and engagement' (Mannay et al. 2017). Care experienced young people have also voiced how they feel the public perceive them as 'criminals' and assume their behaviour is problematic (Channel 4 News, 2015: Ofsted, 2009).
- 4.3 This stigma and stereotyping are widespread and the Care System itself contributes to its perpetuation. Young people whilst in care can be unnecessarily criminalised (Fitzpatrick, 2022). It has also been found that professionals assume a specific inability to parent and can make care experienced people go through unnecessary assessment (Care Review, 2022). The Care System itself might also put children and young people at a disadvantage because of specific provisions for children in care, such as being in unregulated educational provisions which could put them at an educational disadvantage (House of Commons, 2022).
- 4.4 Care experienced young people nationally can experience poor outcomes. It is important to both look at the available outcomes evidence, whilst noting that outcomes for care leavers are not uniform. Nationally, 25% of all homeless people were once in care and 33% of care leavers become homeless within the first two years of leaving care (Step by Step 2022). 26% of the homeless population have spent time in care; and a conservative estimate of 27% of the prison population have care experience (HM Prisons and Probation Service 2023), whilst 34% of 17- to 18-year-olds rising to 41% of 19–21-year-old care experienced young people are not in education, employment or training (NEET) (National data 2023). This demonstrates the importance of working with partners in the criminal justice system, housing, education, and employment colleagues if we want to make a change for care-experienced young people in Thurrock.
- 4.5 The Independent Review of Children's Social Care, led by Josh McAllister and published in May 2022, outlines several key areas to support children in care and care experienced people, which focus on improving outcomes around university

attendance and employment, reducing health inequalities, ending homelessness of care experienced young people. The missions each contain several recommendations to follow to reach the objectives set out, with some being the remit of national government and others aimed at local government, businesses, and the wider society.

- 4.6 The Care Review recognised the often-negative outcomes for young people with care experience and recommended that the government make 'Care Experienced' a protected characteristic. This is on the basis that care experienced people experience stigma and discrimination which is similar in nature to other groups that have a legally protected characteristic under the Equality Act 2010. The Care Review acknowledges that some worry about the potential effect of this further stigmatising care experienced people. However, McAlister argues that making care experience a protected characteristic is essential to "provide greater authority to employers, businesses, public services and policy makers to put in place policies and programmes which promote better outcomes for care experienced people." and that, like other hidden characteristics, care experienced people will still be able to choose whether to disclose this part of their lived experience.
- 4.7 Care experienced young people both in Thurrock and nationally face significant barriers and challenges that impact them throughout their lives, including discrimination, and stigma across housing, health, education, relationships, employment, and the criminal justice system.
- 4.8 They may have a deep-rooted mistrust in systems or institutions, born out of their experiences within the care system. This could result in hesitancy or difficulty in seeking out and accessing necessary services, leading to delays in receiving important support or care and missing out on, or passing by opportunities to gain experience in either education or employment or life experiences.
- 4.9 Due to their lived experience, they will often lack the family guidance that many take for granted. This could be advice on filling out forms, understanding services available, having the support of a family member when facing an intimidating process or the encouragement of a family member to try something new. The absence of this support can hinder their ability to access and navigate services and opportunities and is provided by the Aftercare Service.
- 4.10 This has a potentially cumulative effect, resulting in them facing significant challenges when it comes to social mobility. The hurdles they encounter in education, employment, housing, and other key areas can limit their ability to advance socially and economically. This lack of social mobility can create a vicious cycle that hinders access to services and opportunities.
- 4.11 At least 92 other Local Authorities have already granted care experienced young people protected status.

5. Consultation

- 5.1 Consultations have taken place with Thurrock Young Voices as well as Thurrock Youth Council. Both are in full support of the proposal and the benefits that it will afford our young people.

6. Impact on corporate policies, priorities, performance and community impact

6.1 This recommendation has no adverse impact upon the corporate policies, priorities or performance of the council but rather embodies foundations of the council as highlighted in the corporate policy (2024-2029) relating to people.

“More jobs, skills and opportunities for our young people, especially those with special educational needs and disabilities, care leavers and others who need extra support.”

7. Implications

7.1 Financial

Implications verified by: **Sima Khiroya**
Assistant Director Financial Management and Procurement

16.07.2024

In line with the Council's Corporate Parenting responsibility, this report recommends that Care Experience should be treated as a locally protected characteristic, to achieve success in delivery of enhancement of care leaver services in the Council.

There are no additional costs associated with this proposal, and all costs should be met from within existing budgets for 2024-25 in cost centres CA061 and CA062; a total amount of £1.096m.

7.2 Legal

Implications verified by: **Judith Knight**
Interim Deputy Head of Legal (Social Care and Education)

10.07.24

Protected characteristics are defined by the Equality Act 2010 and these do not include care experience. The Council cannot amend the primary legislation, but it is able to treat care experienced young people as if they had a 'protected characteristic'. The Public Sector Equality Duty general duty aim is to ensure public authorities have due regard to the need to:

1. put an end to unlawful behaviour that is banned by the Equality Act 2010, including discrimination, harassment and victimisation
2. advance equal opportunities between people who have a protected characteristic and those who do not
3. foster good relations between people who have a protected characteristic and those who do not

Advancing equal opportunities means:

- removing or reducing the disadvantage that people with protected characteristics face
- taking steps to meet the specific needs of people with protected characteristics.
- encouraging people with protected characteristic to participate fully in all activities, especially where they are underrepresented.

Fostering good relations means you are taking action to reduce prejudice and increase understanding between different groups of people.

The Council will need to consider care leavers within any future policies or strategies in line with the Community Equality Impact Assessments.

The Council is under a legal duty under the Children and Social Work Act 2017 section 1 to apply the corporate parenting principles to care leavers. This motion will support that duty.

7.3 **Diversity and Equality**

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Officer
16.07.2024

Consideration in coming to any decision must be taken in line with the Council's equality duties and compliments that vision of Thurrock's collaborative communities' framework in the commitment to creating a fair, accessible, and inclusive borough where everyone has a voice and an equal opportunity to succeed. A CEIA will be completed for this proposal to inform the decision making process.

Diversity and equality are fundamental to the Ethos of Thurrock and as such the experience of Care Experienced young people is hugely important in Thurrock's determination in ensuring that young people have equal opportunity to succeed and that this is interwoven in our practice and ambitions. To ensure they are considered alongside future policy, strategy or function changes and implementation a recommendation of this report is to update the CEIA templates and guidance with Care Experience as a locally protected group.

7.4 **Risks**

None

7.5 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

It is suggested that this proposal will have a positive impact upon Looked after Children in terms of their employment, their self-esteem and their sense of importance.

Future Care leavers will also be motivated to explore opportunities within the Council knowing that there is support available to them.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- None

Report Author:

Trevor Willis, Service Manager - Quality Assurance and Safeguarding Childrens Services