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| <p style="text-align: center;">Non-Executive Report of</p> <p style="text-align: center;"><b>Full Council</b></p> <p style="text-align: center;">19<sup>th</sup> July 2023</p> |  |
| <p><b>Report of:</b> James Thomas, Corporate Director – Children and Culture</p>   | <p><b>Classification:</b><br/>Unrestricted</p>                                      |
| <p><b>Our ambition to be the best corporate parent - Adopting care experience as a protected characteristic</b></p>  |   |

### Executive Summary

A proposal to join over 25 authorities (including 4 London boroughs) who have introduced care experience as a protected characteristic, recognising the disparity and disproportionality faces by those with care experience when it comes to health, education, housing, employment, and criminality amongst others.

It is within our power to create a society that embraces the unique journeys of care experienced individuals and protects them from discrimination and disadvantage. By making care experience a protected characteristic, we send a powerful message of inclusivity and empathy to create a more inclusive and compassionate society that upholds the rights and dignity of all.

### Recommendations:

The Full Council is recommended to:

- A. Recognise that care experienced people are a group likely to face discrimination.
- B. Agree to treat care experience as if it were a Protected Characteristic, conducting Equality Impact Assessments for future services and policies.
- C. Proactively seek out and listen to the voices of care experienced people when developing new policies.
- D. Include care experience in the publication and review of Equality Objectives and annual information relating to Protected Characteristics.
- E. Call upon all other local organisations and partners to treat care experience as a Protected Characteristic and adopt corporate parenting principles.
- F. Identify and review barriers impacting care experienced people in recruitment, offering guaranteed interviews for eligible applicants.
- G. Encourage statutory partners and small businesses to adopt similar employment practices.
- H. Establish a cross-council approach to creating opportunities for care experienced individuals, including training for recruiting managers and support into apprenticeships.

- I. Report progress and achievements in the annual Corporate Parenting Board report and lobby central government for care experience to be a protected characteristic.
- J. To note the Equalities Impact Assessment / specific equalities considerations as set out from Paragraph 4.1

## **1 REASONS FOR THE DECISIONS**

- 1.1 Addressing Discrimination: Approving care experience as a protected characteristic shows the council's stance against discrimination and promotes equal rights for all individuals.
- 1.2 Promoting Equality: Extending protected characteristic status ensures equal legal protection for care experienced individuals, fostering fairness and equality in society.
- 1.3 Reducing Disadvantages: Recognition as a protected characteristic helps address challenges faced by care experienced individuals, improving their opportunities and well-being.
- 1.4 Amplifying Voices: Granting protected characteristic status values the perspectives of care experienced individuals and includes their input in decision-making processes.
- 1.5 Fostering Inclusive Policies: Treating care experience as a protected characteristic encourages inclusive policy development that considers the unique needs of care experienced individuals.
- 1.6 Challenging Stigma: Acknowledging care experience as a protected characteristic challenges stereotype and promotes a compassionate society.
- 1.7 Demonstrating Leadership: Approving care experience as a protected characteristic showcases the council's commitment to social justice and encourages other organisations to follow suit.
- 1.8 Encouraging Accountability: Protected characteristic status holds the council accountable for addressing discrimination and inequality faced by care experienced individuals.
- 1.9 Aligning with National Efforts: Recognizing care experience aligns with national efforts to provide legal protection and support for this group.
- 1.10 Building Trust and Collaboration: Extending protected characteristic status builds trust, promotes collaboration, and fosters positive social change within the community

## **2 ALTERNATIVE OPTIONS**

- 2.1 The council could decide not to approve care experience as a protected characteristic. There is no legal requirement to do so, however doing so demonstrates a significant commitment as a corporate parent and can significantly benefit us reputationally as one of the first adopters in London. It is likely that this will also be a recommendation by the Department for Education National Advisor for Care Leavers Mark Riddell who has endorsed this campaign elsewhere and visited our Through Care service in May 2023

### **3 DETAILS OF THE REPORT**

#### **Background and context**

3.1 Every child deserves the best start in life. Adults, children and young people who are care experienced often face significant barriers in life, including access to equal education, training, and employment opportunities. They are more likely to experience discrimination and stigma and are disproportionately represented in terms of poorer health outcomes, social mobility the criminal justice system. As a result, they are at a higher risk of experiencing poverty and social exclusion.

3.2 The Independent Review of Children’s Social Care headed by Josh McCallister published in May 2022 had a final report recommendation that:

*“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.”*

3.3 Although the recommendation has not been formally adopted by central Government, many local authorities have taken forward the motion to pass this legislation locally. 25 authorities nationally of which four are London boroughs (Lambeth, Sutton, Ealing and Waltham Forrest) have made the decision to recognise care experience as a protected characteristic.

3.4 As corporate parents, councillors have a collective responsibility for providing the best possible care and safeguarding for the children who are looked after by the authority and has a duty to put the voices, needs, and rights of care experienced people who face challenges and discrimination at the heart of decision-making.

3.5 To demonstrate our commitment to children in our care and to be the best corporate parent, Tower Hamlets Council proposes to recognise care experienced people as a group likely to face discrimination and treat care experience as a protected characteristic.

3.6 The Public Sector Equality Duty requires public bodies, such as councils, to exercise due regard to the need to eliminate unlawful discrimination, harassment, and victimisation of people with protected characteristics, advance equality of opportunity, and foster good relations between those who share a relevant protected characteristic and those who do not share it.

#### **Why make care experience a protected characteristic**

3.7 The outcomes for care experienced people today are extremely poor. It is estimated that 26% of the homeless population have care experience; 24% of the prison population in England have spent time in care; that 41% of 19-21 year old care leavers are not in education, employment or training (NEET)

compared to 12% of all other young people in the same age group<sup>1</sup>; and adults who spent time in care between 1971-2001 were 70% more likely to die prematurely than those who did not.<sup>2</sup>

Some specific areas where care experienced people are disproportionately impacted and disadvantaged as a result of being in care are:

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| <b>Education</b>        | Studies have shown that care-experienced children are less likely to achieve good grades and go on to higher education than their non-care-experienced peers. They are also more likely to be excluded from school and experience disrupted education due to frequent placements and changes in schools. |
| <b>Employment</b>       | Care-experienced individuals may face significant barriers when it comes to employment, including a lack of qualifications and work experience, as well as stigma and discrimination. This can lead to a higher risk of unemployment and poverty.  |
| <b>Mental health</b>    | Care-experienced individuals are more likely to experience mental health issues such as anxiety, depression, and post-traumatic stress disorder (PTSD). This may be due to the trauma they have experienced in their early lives, as well as a lack of stability and support.                            |
| <b>Homelessness</b>     | Care-experienced individuals are at a higher risk of becoming homeless than the general population. This may be due to a lack of support when leaving care, a lack of affordable housing, and difficulty in maintaining stable employment.   |
| <b>Criminal justice</b> | Children in care are much more at risk of interacting with the criminal justice system by the age of 24 than their peers. National figures indicate that over half (52%) of care experienced children had been convicted of a criminal offence by the academic year they turned 24.                      |

3.8 We must level the field for care experienced people. Every individual deserves to be treated with kindness, compassion, and understanding. It is within our power to create a society that embraces the unique journeys of care experienced individuals and protects them from discrimination and disadvantage. By making care experience a protected characteristic, we send a powerful message of inclusivity and empathy. We recognise the immense challenges these individuals have faced and the resilience they have shown in navigating life's complexities.

3.9 Granting them protected status is an act of compassion, ensuring they are heard, valued, and afforded the same rights as others. It is a call to action, an

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<sup>1</sup> (Ministry for Housing, Communities & Local Government, 2020; Williams et al., 2012; Department for Education, 2021b)

<sup>2</sup> (Murray et al., 2020)

opportunity to rewrite the narrative and build a future where care experienced individuals are no longer stigmatised or overlooked.

### **What implementing care experience as a protected characteristic means in practice**

- 3.10 Implementing care experience as a protected characteristic means recognising the unique challenges and experiences faced by care experienced individuals and taking concrete steps to address them. It means providing equal opportunities in education, employment, and housing, ensuring access to support services and resources tailored to their needs, and actively combating discrimination and stigma. It means fostering a society where care experienced individuals are not defined by their past but are valued for their potential and contributions.
- 3.11 We must ensure that in the key areas of education, employment, health, housing and criminal justice we undertake significant work to understand how we can break down barriers of inequality for care experienced individuals.
- 3.12 As a council will formally call upon all other bodies and partners to treat care experience as a Protected Characteristic until such time as it may be introduced by legislation and to adopt corporate parenting principles for children in care and care leavers until such time as it may be introduced by legislation.
- 3.13 The council will assess future services and policies made and adopted by the council through Equality Impact Assessments to determine the impact of changes on people with care experience. This means ensuring that services are inclusive and accessible for all care-experienced people, regardless of their age, disability, gender, race, religion or belief, sexual orientation, or transgender identity. It also means working to address the structural and systemic barriers that can prevent care-experienced people from achieving their full potential.
- 3.14 The council will also proactively seek out and listen to the voices of care experienced people when developing new policies based on their views. It will identify and review barriers that impact care experienced people in the council's recruitment process, extend the right to a guaranteed interview for applicants who are care experienced and meet the minimum requirements for a job vacancy, and work with statutory partners and small businesses to encourage them to take a similar approach in their own employment practices. The council will create a cross-council approach that proactively creates opportunities for care experienced people with training for recruiting managers, work experience opportunities, careers advice, and support into council apprenticeships.
- 3.15 Partners and service providers need to be educated on what protected characteristics are, why they matter, and how to identify and avoid discrimination. Training should cover how to communicate with people from diverse backgrounds, how to make services accessible, and how to recognise and respond to discrimination. Care experience will also be included in any equality training programmes delivered by the council or its partners

- 3.16 It's important to note that implementing protected characteristics is not just the responsibility of service providers. Everyone has a role to play in creating an inclusive and equitable society. Individuals should advocate for their rights and the rights of others, speak out against discrimination, and educate themselves and others about the importance of protected characteristics.
- 3.17 The council will report its progress and achievements in the annual Corporate Parenting Board report and write to the government calling for care experience to be made a protected characteristic as part of the government's Independent Review into Children's Social Care and for a sustainable, long-term funding settlement for Children Social Care.
- 3.18 Overall, care-experienced individuals may face multiple challenges throughout their lives due to the experiences they have had in care. It is important for policymakers, social workers, and others to recognise these challenges and work to provide adequate support and resources to help care-experienced individuals succeed in life. In conclusion, implementing protected characteristics means ensuring that everyone has equal access to services and opportunities, regardless of their personal characteristics. This requires education, training, diversity and inclusion initiatives, and a commitment to creating inclusive environments. By working together, we can create a society that values and respects diversity, and ensures that everyone has the opportunity to thrive.

#### **4 EQUALITIES IMPLICATIONS**

- 4.1 Introducing care experience as a protected characteristic within the borough and council has significant implications for equality. It acknowledges the unique challenges and experiences faced by care-experienced individuals and recognises the need for specific protections and support. By including care experience as a protected characteristic, the council demonstrates a commitment to addressing the inequalities and barriers faced by this marginalised group. It ensures that care-experienced individuals are afforded the same rights, opportunities, and access to services as other protected groups. This recognition not only promotes fairness and social justice but also encourages greater inclusivity within the borough and council. It creates a platform for care-experienced individuals to have their voices heard, their experiences valued, and their needs met.
- 4.2 Known challenges for care experienced children and young people include that they are more likely to have a lower Attainment 8 score at Key Stage 4 (see definition below<sup>[i]</sup>). This was 20.7 in 2021-22 in Tower Hamlets, compared to 49.8 for all students. They are also more likely to be 'not in education, employment or training (EET) or activity not known' with 10.6% of children in our care aged 16/17 in this position in March 2022, compared to 3.6% for all 16/17-year-olds (it should be noted that the number of children in our care that the percentage is based on is very small).
- 4.3 Data on the prevalence of Special Educational Needs (SEN) and Disability in Tower Hamlets shows that 34.9% of children in our care have an Education, Health & Care Plan and 20.9% are with SEN Support

- 4.4 Recognising care experience as a protected characteristic demonstrates a commitment to ensuring equal treatment and opportunities for individuals with care backgrounds, preventing discrimination in various aspects of life, including education, employment, housing, healthcare, and access to public services.
- 4.5 It will require an assessment of our existing services and any future services through a revised Equality Impact Assessment to address potential barriers that care-experienced individuals may encounter when accessing public services. This includes evaluating the accessibility of services, providing reasonable accommodations, and ensuring that care-experienced individuals are not disadvantaged or excluded.
- 4.6 A consideration of positive action measures to address inequalities or disadvantages faced by care-experienced individuals. This can include targeted support programs, mentorship opportunities, or additional opportunities to promote their inclusion and help them overcome barriers. Guaranteed job interviews is an example.
- 4.7 Data collection and monitoring on care experience as a protected characteristic will be required to provide valuable insights into the experiences and needs of care-experienced individuals. Monitoring and analysing this data will allow for evidence-based decision-making, targeted interventions, and evaluation of progress over time.

## **5 OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
  - Consultations,
  - Environmental (including air quality),
  - Risk Management,
  - Crime Reduction,
  - Safeguarding.
  - Data Protection / Privacy Impact Assessment.
- 5.2 Care-experienced individuals may be more vulnerable to various forms of abuse, exploitation, or neglect. Introducing care experience as a protected characteristic emphasises the local authority's commitment to safeguarding this group, necessitating the development and implementation of robust safeguarding policies and procedures.
- 5.3 Care-experienced individuals can face a higher risk of involvement in criminal activities due to various socio-economic factors and lack of support networks. Incorporating care experience as a protected characteristic enables the local authority to focus on crime reduction strategies tailored to their specific needs. This may involve targeted support services, diversionary programs, and restorative justice initiatives to prevent offending and support rehabilitation.

## **6 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 Although there are considerable pressures on Children Looked After budgets this proposal is not expected to have any adverse financial implications for future years

## **7 COMMENTS OF LEGAL SERVICES**

- 7.1 The Corporate Parenting Principles are set out in Section 1 of the Children and Social Work Act 2017 and are as follows:
- (a) to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
  - (b) to encourage those children and young people to express their views, wishes and feelings;
  - (c) to take into account the views, wishes and feelings of those children and young people;
  - (d) to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
  - (e) to promote high aspirations, and seek to secure the best outcomes, for those children and young people;
  - (f) for those children and young people to be safe, and for stability in their home lives, relationships and education or work;
  - (g) to prepare those children and young people for adulthood and independent living.
- 7.2 It is for the Council to determine how it meets these duties. It is therefore a matter for the Council to decide whether care experience should become a protected characteristic so far as the Council is concerned. However, if the Council makes this determination, it can only affect internal decisions.
- 7.3 The Public Sector Equality Duty requires local authorities to eliminate harassment, discrimination and victimisation; to advance equality of opportunity between people who share a relevant protected characteristic as set out in the Equality Act 2010 and people who do not share it; and to foster good relations between people who share a relevant protected characteristic and those who do not share it.
- 7.4 This report demonstrates the Council's commitment to meet the requirements set out above.

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- None

#### **Appendices**

- None

#### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**



- None

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