

Report title	Equalities Motion – Care Experienced Young People	
Cabinet member with lead responsibility	Councillor Chris Burden Children, Young People and Education	
Wards affected	All wards	
Accountable director	Emma Bennett, Children and Young People	
Originating service	Children and Young People in Care	
Accountable employees	Jin Takhar Email	Head of Equality, Diversity, and Inclusion Jin.Takhar@wolverhampton.gov.uk
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Report has been considered by	Children and Young People in Care Managers' Meeting	22 June 2023
	Children's Social Care Leadership	22 June 2023
	Strategic Executive Board	18 August 2023
	Cabinet Member Briefing	29 August 2023
	Leader Briefing	4 September 2023
Report to be considered by	Corporate Parenting Partnership Board	6 September 2023
	Full Council	22 September 2023

Recommendation for decision:

The Corporate Parenting Board is recommended to:

1. Agree to support the proposed motion that the City of Wolverhampton Council make Care Experience a protected characteristic until such time as it may be introduced by legalisation.

1.0 Purpose

1.1 The purpose of this report is to present to the Corporate Parenting Board background research outlined within the body of the report to help inform the development of the proposed motion and for Corporate Parenting Board to support the proposed motion for Full Council to recognise Care Experience, as a protected characteristic until such time as it may be introduced by legislation.

1.2 For the purposes of this report, Care Experienced can be defined as:

- **Eligible Care Leavers.**

Those young people who are over the age of 16, who have been in the Care of the Local Authority and have been looked after for a period of 13 weeks (or periods amounting to 13 weeks) which began after they reached 14 and ended after they reached 16.

- **Relevant Care Leavers.**

Those young people who have previously been “eligible”, are aged 16-17 and they have lived for a continuous period of six months or more with a parent or someone with parental responsibility and where those arrangements break down.

- **Former Relevant:**

Those young people aged 18 years or above, and either have been a 'relevant' or 'eligible' child when under 18.

2.0 Background

2.1 Every elected Councillor and Employee of this Council (along with partner agencies) is a corporate parent to the children in our care and care leavers. This duty is underpinned by the Children and Social Work Act 2017, Section one.

2.2 We are all responsible for providing the best care, safeguarding and outcomes for the children who are cared for by us.

2.3 Our young people in care or who have left care have the right to expect everything from a corporate parent that would be expected from a responsible and a good parent. This includes how families continue their support, care, and ambition for their children after they leave home and gain independence.

2.4 City of Wolverhampton Council (CWC) is committed to ensuring that all vulnerable people, including those who have care experience, remain at the forefront of our thinking, and are not disadvantaged in any way by the policies, strategies, and actions of CWC.

2.5 The development of the suggested motion has come directly from the request of our Care Leavers Independent Collective Forum (CLIC) and as such this report and suggested motion have been coproduced directly with them and with the voice of Wolverhampton's Care Experienced community at its heart.

- 2.6 Following careful consideration of our neighbouring authorities, Birmingham and Telford, and those 30 others from across the country who have already completed similar motions, the report outlines the best practice for a proposed motion and its implications for CWC and its care experienced young people as a whole.
- 2.7 The motion is intended to enshrine the ethos of recognising that ‘care experienced people’ have faced and may continue to face significant barriers throughout their lives and that additional consideration should be offered to them, that their needs and indeed those of any vulnerable person, should be at the heart of all our decision making and that we should actively seek out their views when developing new policies.
- 2.8 The motion includes the need to recognise ‘treating care experienced people as a protected characteristic’. It would mean people who are in or have been in care would have the same legal protection against discrimination as ten other characteristics under the Equality Act including age, sex, race, sexual orientation and religion.
- 2.9 Including care experience into the Equality Act was also one of the recommendations of England’s Review of Children’s Social Care published in May 2022. Its inclusion will help end stigma and create systems that better promote the rights of people who have been or are in the care system. Unfortunately, the Government has not progressed this recommendation as yet.
- 2.10 The motion will mean that everyone who has grown up in the care of the City of Wolverhampton Council should be given protection in line with other protected characteristics under the Equalities Act to tackle the barriers and stigma which can often stay with them for a lifetime.
- 2.11 The Council will consider the particular difficulties faced by those who have been through the care system, when making new policies.
- 2.12 The change would mean putting care experience on a par with other characteristics that may mean someone faces disadvantages and discrimination such as age, disability, race, religion, and sexual orientation among others.

3.0 Context: Independent Review of Childrens Social Care 2022

- 3.1 The Independent Review of Children’s Social Care headed by Josh McCallister published in May 2022 a final report and recommendations 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.”
- 3.2 On Protected Characteristics for Care Experience, the review highlighted “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.”

- 3.3 One young person told the review that a teacher had told them “You’re smart - for a kid in care”, another young person said “I don’t want people to point out that I am in care if I don’t want that mentioned. It makes me so cross – that shouldn’t happen.”
- 3.4 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.
- 3.5 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.
- 3.6 Hearing testimony from care experienced people sharing the discrimination they have experienced, even from a very young age, it is clear that such discrimination can be similar in nature to other groups that have a legally protected characteristic under the Equality Act (2010).
- 3.7 While there may be ways that society can help reduce stigma and discrimination, including creating greater public consciousness on these issues, just as with other areas of equality, there is a case to go further. Therefore, the government, and till such a time as they do, Local Authorities should make care experience a protected characteristic.
- 3.8 Making care experience a protected characteristic would 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.
- 3.9 Should the approach be adopted by the government, it would make the UK the first country in the world to recognise care experienced people in this way. As a measure, it will bolster and pave the way for a number of the recommendations proposed by this motion.
- 4.0 City of Wolverhampton Council’s current legal responsibilities regarding those Children and Young People in Care and those with Care Experience**
- 4.1 Councils in England must publish information about services which it offers that may assist care leavers in, or in preparing for, adulthood and independent living (Children and Social Work Act 2017 Section 2 (1) (a)).
- 4.2 For the purposes of Section 2 (1) (a) of the Children and Social Work Act 2017 the services that may assist care leavers in, or in preparing for, adulthood and independent living include services relating to:
- (a) health and well-being.
 - (b) relationships.
 - (c) education and training.
 - (d) employment.
 - (e) accommodation.

- (f) participation in society.

4.3 On Corporate Parenting Principles, the City of Wolverhampton Council in carrying out functions in relation to the children and young people who are care leavers must have due regard to the need:

- (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 consider 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.

4.4 Children and care leavers relevant for the purposes of the Children and Social Work Act 2017 Section 1 (2) (a) (b) and (c) are:

- (a) children who are looked after by a local authority, within the meaning given by section 22(1) of the Children Act 1989.
- (b) relevant children within the meaning given by section 23A (2) of that Act;
- (c) persons aged under 25 who are former relevant children within the meaning given by section 23C (1) of that Act.

5.0 Positive actions and provisions in place for City of Wolverhampton Council Care Leavers

5.1 The City of Wolverhampton Council in partnership with the Care Leavers Independent Collective (CLIC) Forum and partner agencies are proud that together they have been able to achieve the following:

- (a) Wolverhampton Care Leavers are exempt from all Council Tax charges up to the age of 25.
- (b) Wolverhampton Care Leavers up to the age of 25 have free access to leisure facilities at WV Active sites.
- (c) Care Leavers bidding for Wolverhampton Homes properties are entitled to Band 1 Housing allocation.
- (d) Wolverhampton Care Leavers living in a Wolverhampton Homes property will never be made intentionally homeless.
- (e) Care Leavers up to 25 years have access to free prescriptions.
- (f) Wolverhampton Care Leavers have access to a variety of apprenticeships within the City of Wolverhampton Council and are able to apply for positions at the two-week internal application stage.

- (g) Care Leavers have dedicated advice and support from an Education, Employment and Training Advisor to help them make their next steps into work or education.

5.2 The above covers just some of the achievements City of Wolverhampton Council, partners and CLIC are proud to have achieved to enhance the City's offer to care experienced young people.

6.0 Impacts Care Experience can have on young people:

6.1 Care experienced people face significant barriers that impact them throughout their lives.

6.2 Despite the resilience of many care experienced people, society too often does not take their needs into account and they can often face a postcode lottery of support.

6.3 Care experienced people often face discrimination and stigma across housing, health, education, relationships employment and in the criminal justice system.

6.4 The chances of care experienced young people enjoying the same health advantages as other adults are deeply unequal. Adults who spent time in care as children between 1971-2001 were 70% more likely to die prematurely than those who did not. Care experienced young people are also more likely to experience an unnatural death (suicide, violent death, accident).

6.5 Further to this, adults who were in a children's home as a child are between three and four times more likely to report their health as 'not good' compared with 'good'. For adults who had lived with relatives, the risk is considerably lower (between one and two times).

6.6 A review article by McAuley and Davis (2009) reported the rate of diagnosable mental health disorders to be 45% for children in care in England compared with 10% in the general population.

6.7 Children in parental care between 1971 and 2001 had a 27% chance of achieving an NVQ Level 3 qualification by age 29, compared to 14% in foster care and just 11% for those in a children's home. Care experienced young people are more likely to participate in adult education, but this often does not help them to catch up with their peers.

6.8 As corporate parents, Councillors have a collective responsibility for providing the best possible support and safeguarding for the children who are cared for by a local authority and who are leaving the care system.

6.9 All corporate parents should commit to acting as mentors and in doing so listen to the voices of children and young people in care and care experienced young people to consider their needs in any aspect of council work.

6.10 Councillors should be champions of our children and young people in care and care experienced young people and challenge the negative attitudes and prejudice that exists in all aspects of society.

6.11 The Public Sector Equality Duty requires public bodies, such as councils, to eliminate unlawful discrimination, harassment, and victimisation of people with protected characteristics.

7.0 Internal impact and wider promotion of the Equalities Motion to partner agencies

7.1 Should Full Council support the motion of making Care Experience a protected characteristic within the Local Authority, an in-depth Equalities Impact Analysis (EIA) would be developed in conjunction with Equalities and Diversity team.

7.2 The EIA will ensure Care Experience as a protected characteristic is mainstreamed through everything the Local Authority does by getting individuals and teams to think carefully about the likely impact of their work on residents, visitors, employees, and potential employees and to take action to improve our services, functions, policies, and procedures ensuring they do not discriminate against those with Care Experience.

7.3 If the motion is accepted the EIA will need to consider the updating of the Council's own Equality, Diversity, and Inclusion strategy to ensure Care Experience is afforded the same rights as those other nine protected characteristics already in place. This will then inform the updating and development of each of the ten Directorate Equality Plans.

7.4 In addition, the motion will be promoted and shared with partners across the Corporate Parenting Partnership Board to showcase an example of how a motion could be posed to their own governing bodies and show the development of a functional Equalities Impact Analysis in action. By providing this support it is hoped that more partner agencies will see the benefits of developing their own motion rather than the barriers they may face.

8.0 Options for recommendation

Option 1 – Do nothing.

8.1 The City of Wolverhampton Council will continue to support care experienced young people however would not recognise care experience as a protected characteristic. This would potentially leave Care Leavers open to victimisation, stigma, and discrimination in relation to their Care Leaver status, without the protections of the Equalities Act 2010 to provide additional support in all aspects of their lives.

This is not the preferred option.

Option 2 – City of Wolverhampton Council to adopt Care Experience as a protected characteristic.

8.2 The City of Wolverhampton Council, by recognising care experience as a protected characteristic for those young people whom Wolverhampton is their Corporate Parent, would resolve:

- A. That when making any decisions in relation to its policies or formulating its council plan that it recognises that care experienced people are an oppressed group who face discrimination.
 - B. That it recognises that the Council has a duty to put the needs of oppressed people at the heart of decision-making through co-production and collaboration.
 - C. 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 in so far as available data allows for meaningful monitoring.
 - D. To formally adopt and call upon all other bodies to treat care experience as a protected characteristic until such time as it may be introduced by legislation.
 - E. To formally call upon all other bodies and partnership agencies working with the City of Wolverhampton Council to adopt the principal that care experience be a protected characteristic until such time as it may be introduced by legislation.
 - F. For the council to continue to proactively seek out and listen to the voices of care experienced people when developing new policies based on their views.
 - G. As a local authority, this would commit us to acknowledging and addressing the challenges faced by those with care experience across everything we do, from breaking down barriers to work, including transport and digital poverty to ensuring fair access to housing, education, and employment within the City.
- 8.3 In addition City of Wolverhampton Council to call on our fantastic city and regional partners to follow the Council's lead in developing their own initiatives to support our care leavers. In particular, because this is so important to care leavers, the City of Wolverhampton Council to call upon WMCA and TFWM to offer free travel to our care leavers and care leavers living across the region.

8.4 This is the preferred option.

9.0 Financial implications

9.1 There are no financial implications for this report at this stage, however further consideration may need to be taken in the future.

[JG/13062023/V]

10.0 Legal Implications

10.1 There are no legal implications for the report at this stage, however further consideration may need to be taken in the future.

[SB/18062023/P]

11.0 Equalities implications

11.1 Equalities implications have been outlined in the body of the report.

12.0 All other implications

12.1 There are no other implications at this stage.

6.0 Appendices

13.1 Appendix 1: Equalities Motion