



Full Council	Tuesday, 12 December 2023	Matter for Information and Decision
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Report Title: **Protected Characteristics for Care Leavers**

Report Author(s): **Anne Court (Chief Executive / Head of Paid Service)**

Purpose of Report:	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.
Report Summary:	The report sets out the 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.
Recommendation(s):	That Members agree to Care Leavers/Care Experience being treated by the council as a Protected Characteristic.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>Anne Court (Chief Executive / Head of Paid Service) 0116 257 2602 Anne.Court1@oadby-wigston.gov.uk</p> <p>Adrian Thorpe (Head of the Built Environment) (0116) 257 2645 Adrian.Thorpe@oadby-wigston.gov.uk</p> <p>Chris Eyre (Housing Manager) (0116) 257 2726 Chris.Eyre@oadby-wigston.gov.uk</p> <p>Louise Taylor (Housing Options Manager) (0116) 257 2735 Louise.Taylor@oadby-wigston.gov.uk</p>
Strategic Objectives:	Our Council (SO1) Our Communities (SO2)
Vision and Values:	"Our Borough – the Place to be" (Vision) Customer & Community Focused (V1)
Report Implications:-	
Legal:	The implications are as set out at section 5 of this report.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	No corporate risk(s) identified.
Equalities and Equalities Assessment (EA):	The implications are as set out throughout the report No EA needed - Impacts are positive.

Human Rights:	There are no implications arising from this report
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	As the author, the report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	None

1. Background

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, it included *"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."* It went on to say, *"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."*

The importance of the approach has been identified by the Children's Commissioner who in June 2023 commenced their own engagement for care experienced people to feed in as to whether they believe the proposal it would make a difference to their lives. In October 2023 "Leicestershire Cares" reported the findings of their survey undertaken as part of the Joining Up Joining In project funded from the Blgrave Trust to gather the views of care experienced young people and professionals in Leicester and Leicestershire on whether care experience should be a protected characteristic. The report concluded from the survey findings that care experienced people in Leicester, Leicestershire and Rutland do not want to be stigmatised as *"it is not the persons fault that they ended up in care. They have likely overcome many challenges, and more than the average person and so should be protected."*

As at October 2023, 57 councils have already agreed to treat care leavers as a protected characteristic.

2. Care Leavers in the Borough of Oadby & Wigston

Oadby & Wigston Borough Council takes its corporate parenting responsibilities seriously and in 2019 signed up to the looked after children and Care Leavers commitment and promise along with other councils/partners across Leicestershire. The behaviours expected from all partners making this commitment are: -

- We will support you.

- We will respect your identify.
- We will listen to you.
- We believe in you.
- We will find you a place you can call home.
- We will inform you.
- We will be a lifelong champion.

This council's local promise to fulfil this commitment is on the website.

In summary this sets out how this council will support Care Leavers in terms of accommodation needs, tenancy support, health & wellbeing, volunteering opportunities and mental health services.

The positive approach to our promise has seen approximately 20 Care Leavers being provided with temporary/permanent accommodation in the past 2 years. Currently there are 16 housing applications live as priority banding for being a Care Leaver.

In addition, a "Leicestershire Care Leavers Protocol "is just being finalised which will set out a joint working approach between Leicestershire County Council, Children and Family Services, the 7 district/borough councils and partner agencies working with Care Leavers.

3. Relevant Considerations

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

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 Oadby & Wigston Borough Council joins the 57 Local Authorities who have already done so and adopts the policy of treating care leavers as a protected characteristic.

4. Impact of this Decision

When making any decisions in relation to its policies or formulating its plans that this Council recognises that care experienced people are a vulnerable group who face discrimination.

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.

The 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.

5. Legal Considerations

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.

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.

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.