

SPECIAL CABINET

DATE	30 th October 2024
REPORT OF	Councillor Margaret Cracknell – Portfolio Holder for Children and Education
RESPONSIBLE OFFICER	Ann-Marie Matson Director for Children's Services
SUBJECT	Care experience as a locally protected characteristic
STATUS	Open
FORWARD PLAN REF NO.	GENERAL EXCEPTION. Not included on the Forward Plan therefore, to be considered under the General Exception provisions of the Constitution

CONTRIBUTION TO OUR AIMS

Further developing and improving our offer and support package to foster carers to retain and recruit more directly aligns with the Corporate Parenting strategy and the councils' priorities to:

- Enhance the experiences and outcomes of children who do need to come into care as they progress to adulthood
- Reduce discrimination and stigma felt by care experienced people
- Improving outcomes for care experienced people by providing opportunities in areas including training and employment alongside the local offer to care leavers.

EXECUTIVE SUMMARY

Care experienced people face significant barriers that impact upon their daily lives as a result of their prior experiences of trauma both prior to and within care and as a result of dominant beliefs in communities associated with their capabilities and value.

Over 100 local authorities have now adopted care experience as a 'locally protected characteristic' affording the same rights to care experienced people as the nine other protected characteristics set out in the Equality Act 2010. This has the effect on mandating upon the local authority, in respect of its own services and activities, that care experienced people experience discrimination and that, the right response to this, is to ensure that they are regarded as having a protected characteristic.

North East Lincolnshire Council have embarked upon a significant improvement journey associated with the services it provides to children and families. This includes our care leavers and adults with care experience.

It is proposed to continue to prioritise the needs of care experienced adults across

North East Lincolnshire and commit to our duty as corporate parents to those that experienced care as children. That this council will treat care experience as if it were any other protected characteristic.

RECOMMENDATIONS

It is recommended that Cabinet:

1. Instructs the Portfolio Holder for Children and Education to include the following in relevant policies and strategies across the Children and Family Service function.

“To continue to prioritise the needs of care experienced adults across North East Lincolnshire and commit to our duty as corporate parents to those that experienced care as children.

That this council will treat care experience as if it were any other protected characteristic”.

2. Delegates authority to the Director for Children’s Services to support the Portfolio Holder for Children and Education in the above.
3. Delegates authority to Executive Director Place and Resources, Director for Adult Social Services and Director for Public Health to support the above inclusion in relevant policies and strategies across the wider council in consultation with the relevant portfolio holder.
4. Recommends to full council the principle of constitutional change to include the above as an addition to the Constitution, ostensibly as part of the general principles of the Scheme of Delegation to Officers so that the ethos set out becomes part of the decision-making process and that full council authorises the Monitoring Officer to make such change in line with previous delegations made.

REASONS FOR DECISION

National information highlights that care experienced people are much more likely to be in prison, are far more likely to be homeless and are overrepresented in the sex-work population. Their educational outcomes are, on average, far worse than their peers and they are likely to earn less than those that have not experienced care.

A recent and authoritative study identified that they are more likely to experience poorer health outcomes and, indeed, die sooner than those that did not experience care. These cannot just be attributed to the stigma and discrimination they feel and experience and also reflect their experiences of trauma in childhood and in transitions.

North East Lincolnshire Council is fully committed as Corporate Parents to have high aspirations for our children in care and care experienced adults and

1. BACKGROUND AND ISSUES

- 1.1 The Equality Act 2010 makes provision for nine characteristics to achieve 'protected' status and makes provision for it to be illegal to discriminate against people on the basis of them. These are age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, religion or belief, sex and sexual orientation.
- 1.2 Prior to the Independent Review of Children's Social Care's recommendation to central government in this regard and having gathered significant momentum since and authorities have added an additional characteristic for the purposes of delivery of their own services: adults with care experience. This reflects the known discrimination they sadly experience and responds to the calls of care experienced groups.
- 1.3 For clarity, this reflects and places a duty upon the individual authority only in respect of their own services and approaches and does not extend to the wider community.

2. RISKS, OPPORTUNITIES AND EQUALITY ISSUES

Risks:

- 2.1 There are no additional risks identified in this report.

Opportunities:

- 2.2 For care experienced people, there are parallels to the existence of a protected characteristic and the generalised duties of statutory corporate parenting principles, enshrined in the Social Work Act 2017, requiring the local authority to act in the best interests of children and young people that experience care, to take into account their views and to promote high aspirations for them.

Equality Issues:

- 2.3 The existence of a protected characteristic would bind North East Lincolnshire Council to explicitly consider the care experience in the same way as it would the other nine protected characteristics: age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, religion or belief, sex and sexual orientation. This duty would apply only to the local authority, in the absence of other public or private sector organisations voluntarily electing to introduce this protected characteristic, or a change in the law.
- 2.4 The duties placed upon public bodies as a result of the existence of protected characteristics include that the impact of any change must be measured against the experience of those with a protected characteristic, in an explicit way by way of an equality impact assessment, and that an annual report considering the general position must be published. The approach towards

protected characteristics is outlined in the Equality Act (2010) and enforced by the Equality and Human Rights Commission.

3 OTHER OPTIONS CONSIDERED

Do nothing - there is national research and evidence that care experienced people face discrimination and stigma. Care experienced have shared their experience of having been regarded as a 'care kid' or 'ex-care kid', and the associations held about their identity as a result. Care experienced people are more likely to be from a black or minority ethnic community, be disabled and have experiences of migration or asylum, potentially complicating their experiences of disadvantage. Making care experience a protected characteristic demonstrates the Council's understanding of this and commitment to our care experienced people.

4 REPUTATION AND COMMUNICATIONS CONSIDERATIONS

Making care experience a protected characteristic will bring the Council in line with an increasing number of local authorities and demonstrate our commitment and support as Corporate Parents. It will sit alongside our revised published local offer and form part of the publicity of a refreshed approach to Corporate Parenting across both the Council and our communities.

5 FINANCIAL CONSIDERATIONS

There are no financial implications in this decision.

6 CHILDREN AND YOUNG PEOPLE IMPLICATIONS

As detailed above, it will provide further support to care experienced people, recognising the disadvantages they face and the stigma they may feel. It will provide further support to improving outcomes for our children as they progress to adulthood and help children feel more valued as they progress through care.

7 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None identified

8 CONSULTATION WITH SCRUTINY

The proposal was presented to Children and Lifelong Learning Scrutiny Panel prior to consideration by Cabinet.

9 FINANCIAL IMPLICATIONS

There are no financial implications in this decision

10 LEGAL IMPLICATIONS

- 10.1. The legal implications are touched upon within the above report.
- 10.2. The Independent Review of Children's Social Care recommended to central government that the Equality Act 2010 be amended to add a tenth protected characteristic, which has not yet been adopted. However, there has been a campaign by care experienced representatives for local authorities specifically to adopt care experience as a protected characteristic in respect of their services and activities, sometimes referred to as a 'locally protected characteristic'. This has had considerable success and, at the time of writing, over 100 local authorities have done so.
- 10.3. Whereas Cabinet has the remit to modify extant policy through portfolio holders, it is a matter for full council to effect constitutional change.
- 10.4. The delegations sought are appropriate and constitutionally sound.

11 HUMAN RESOURCES IMPLICATIONS

Whilst there are no direct HR implications arising from the contents of this report, care experienced people will need to be added to documentation, processes and guidance in line with other protected characteristics.

12 WARD IMPLICATIONS

All wards may be indirectly affected.

13 BACKGROUND PAPERS

None.

14 CONTACT OFFICER(S)

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Ben Dent – Deputy Service Director – Children in Care and Care Leavers

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