

Care Experience as a Protected Characteristic

Update to Scrutiny Committee – Children & Families

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Somerset
Council

Background

- The Independent Review of Children’s Social Care headed by Josh McCallister published in May 2022 had 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.”
- Full Council agreed to 8 recommendations to implement care experience as a Protected Characteristic (May 2023)

Actions Arising

1. That the Chief Executive and Monitoring Officer ensured that all council making decision documentation had in it appropriate sections to allow for the impact upon 'care experienced people' to be considered in decision making, where relevant and that:
2. Officers considered how information might be captured and reported to council.
3. Any publication of information relating to people who shared a Protected Characteristic also included 'care experienced people'. Actioned to Tom Rutland
4. To proactively seek out and listen to the voices of care experienced people of all ages when developing new Council policies and plans and, where possible, those where the Council produced them in partnership with others. Actioned to Chris Palmer / Victoria Hill / Fiona Phur

Actions Arising

5. How the Council could seek to guarantee all care experienced persons an interview where they met the essential criteria of the post applied for. Actioned to Chris Squire
6. Make all public bodies represented in the Council area aware of this motion and, where possible and within available resources, offer training on corporate parenting and issues facing care experienced people and to work with our partners and our care experienced population to understand what corporate parenting meant for them.
7. Write to Somerset MPs making them aware of this motion and asking them to press government to amend the law to include Care Experienced persons as a Protected Characteristic and for the extension of Corporate Parenting to all public bodies
8. That the Chief Executive, Senior Directors, and Monitoring Officer attend a Corporate Parenting Board meeting early in the next council year to report on the actions taken as a result of this motion on notice. Request Executive Pas liaise with relevant directors

Care Leavers Covenant



In March 2020 Somerset County Council signed the national Care Leaver's Covenant and committed to meeting its five core outcomes

- Care leavers are better prepared and supported to live independently
- Care leavers have improved access to employment, education and training
- Care leavers experience stability in their lives and feel safe and secure
- Care leavers have improved access to health and emotional support
- Care leavers achieve financial stability.

The Covenant is a promise made by the private, public and voluntary sectors to provide support for care leavers aged 16 to 25 to help them live independently.

Background

- 70% of care experienced people die earlier than life expectancy of the general population
- Over 50% of people who were in custody up to the age of 21 have been in care
- At least one third of care-leavers are reported to experience homelessness within the first two years of leaving care. 25% of the homeless population are estimated to have been in care
- Although care-experienced individuals comprise only 1.4% of the overall population, they account for nearly 25% of both the UK homeless and prison populations
- Of care-experienced prisoners, 16% had been in more than six different placements during their time in care

What is a Protected Characteristic?

The Equality Act 2010 makes it illegal to discriminate against, harass, or victimise a person because they have or are thought to have one of the nine characteristics protected under the act, or because they associate with someone who does.

- Age
- Gender
- Race
- Disability
- Religion or belief
- Sexual orientation
- Gender reassignment
- Marriage or civil partnerships
- Pregnancy and maternity

What is a Protected Characteristic?

- Campaigners argue that the disparity of opportunities and discrimination experienced by those who have been in care compared to those who have not warrants its status as a protected characteristic
- We have a legal duty to provide care leavers up to the age of 25 with certain things and to make sure they are prepared for adulthood and independent living.
- Things like their age, when and how long they were in care for, can affect what they are entitled to

Current Care Leaver Descriptors



‘Eligible’ care leavers

- Are aged 16 or 17
- Were looked after by children’s services for a period of 13 weeks since the age of 14
- Are currently looked after

‘Relevant’ care leavers

- Are aged 16 or 17
- Were looked after by children’s services for a period of 13 weeks since the age of 14
- Were looked after for a period of time after their 16th birthday
- Are no longer looked after

Current Care Leaver Descriptors



‘Former relevant’ care leavers

- Are aged between 18 and 25
- Were previously an ‘eligible’ and/or a ‘relevant’ care leaver

‘Qualifying’ care leavers

- Are aged between 16 and 25
- Were looked after by children’s services on, or after, their 16th birthday and are no longer looked after
- Spent less than 13 weeks in care since their 14th birthday, i.e. they do not fulfil the criteria for ‘eligible’ or ‘relevant’ child

Definitions of Care Experienced

Care Leavers and Care Experienced People

Once young people leave the care system at 18 there are a range of legal responsibilities in place to support these young people into full independence. More recently the term 'care experienced' has come into use. This term has been used to describe recent care leavers, children and young people in care as well as people who may be much older but who were once in the care system.

(British Association of Social Workers 2023)

Somerset Definition

‘In Somerset ‘care-experienced’ refers to anyone who has been or is currently in care or from a looked after background at any stage of their life, no matter how short, including adopted children who were previously looked after. Care may have been provided in one of many different settings, such as in residential care, foster care, kinship care or through being looked after at home with a supervision requirement’.

**subject to agreement by Legal Team*

Considerations for Implementation



- An agreed, single definition – agreed by Children’s Social Care/CPB
- Agreed parameters of our ‘duty’ :
 - Age bracket
 - Situation it applies to – housing, transport, leisure, benefits etc
 - What degree of protection are we offering? Discrimination? Public Sector Equality duty (3 elements)
 - Due regard (Equality Impact Assessments)
- The challenges – lack of data consistency/compliance will not support objective setting; no census data re wider population of care experienced people

Implications of Care Experience

- Lack of Trust
- Social networks
- Family guidance
- Finance
- Digital Connectivity
- Social mobility
- Access to public transport
- Access to housing
- Low standard of educational attainment

Assessing the potential impact of policies/services on care experienced individuals



- Living situation
- Access to support networks
- Financial considerations
- Mental Health
- Educational disruption
- Access to services
- Stigma and discrimination
- Appropriate adult
- Risk of exploitation
- Undiagnosed conditions

What policy changes might this mean?

- Mental health policy changes
- Public transport policy
- Digital and data access policies
- Employment related policies
- Changes to educational support policies
- Housing related policies

Engagement and Monitoring



- Establish a Care Experienced Advocacy group
- Engage through surveys and interviews
- Focus groups
- Promote collaboration
- Intersectionality

Considerations for Implementation



Next Steps?

- Agree definition
- Agree parameters
- Identify services and organisations impacted by parameters
- Carry out baseline audit/survey to determine what consideration they already have
- Approval from Corporate Parent Board to proceed from baseline
- Undertake annual audit/reporting for the CPB

Any Questions

