



Borough of Telford and Wrekin

Cabinet

Thursday 16 March 2023

Care Leaver Status as a Protected Characteristic

Cabinet Member:	Cllr Shirley Reynolds, Cabinet Member for Children, Young People, Education and Lifelong Learning
Lead Director:	Darren Knibbs - Director: Children's Safeguarding & Family Support
Service Area:	Children's Safeguarding & Family Support
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Wards Affected:	All Wards
Key Decision:	Key Decision
Forward Plan:	18 January 2023
Report considered by:	SMT – 14 February 2023 Business Briefing – 2 March 2023 Cabinet – 16 March 2023

1.0 Recommendations for decision/noting:

Cabinet is asked to:

- 1.1 To agree to 'Care Experienced' as a Protected Characteristic
- 1.2 To endorse the updated Telford and Wrekin Local Offer to Care Leavers'

2.0 Purpose of Report

- 2.1 To update on the Telford and Wrekin Local Offer put forward a proposal that individuals with care experience are treated as if it were a Protected Characteristic.

3.0 Background

Care Leavers as a Protected Characteristic

- 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.” On Protected Characteristics for Care Experience – (Care Review May 2022).
- 3.2 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. 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.”
- 3.3 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. 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.
- 3.4 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). So, 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 review recommended that the government should make care experience a protected characteristic. It also notes that 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. It would make the UK the first country in the world to recognise care experienced people in this way.
- 3.5 Care experienced people face significant barriers that impact them throughout their lives. Despite the resilience of many care-experienced people, society too often does not take their needs into account. Care experienced people often face discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system.
- 3.6 Every elected member and employee of this Council - along with our partner agencies - is a corporate parent to the children in our care. We are all responsible for providing the best possible care, safeguarding and outcomes for the children

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who are looked after by us. Our young people in care those who have left care have the right to expect everything from a corporate parent that would be expected from a responsible and good parent. This includes how families continue their support, care, and ambition for their children after they leave home and gain independence. In ensuring that we are being the best corporate parents we can be, we are in a position to make a difference. Introducing a protected characteristic for care experience will mean that some of our most vulnerable residents within the borough will be happier, healthier and safer and have the confidence and opportunities to be ambitious and strive to achieve their goals.

3.7 We have already made important steps to support our cared for and care experienced children better which are referenced in the refresh of the requirement to publish a Local Offer to Care Leavers: -

- We made all our care leavers exempt from Council Tax up to the age of 25.
- We gave our Care Leavers priority status for social housing in our allocations policy.
- We guarantee interviews to Care Leavers and have ring-fenced apprenticeships.
- We provide free leisure access and activities with a free plus one.
- We increased “Staying Put” so that young people can stay with foster carers and invested alongside our housing partners to provide dedicated move on accommodation for young people leaving care who need independence.

However, we cannot be complacent, and we know that we can always do more.

3.8 Key points for consideration:

- As corporate parents, we have a collective responsibility for providing the best possible care and safeguarding for the children who are looked after by us as an authority.
- All corporate parents should commit to acting as mentors, hearing the voices of looked after children and young people and to consider their needs in any aspect of council work.
- All corporate parents should be champions of the children in our care and challenge the negative attitudes and prejudice that exists in all aspects of society.
- The Public Sector Equality Duty requires public bodies, such as councils, to eliminate unlawful discrimination, harassment, and victimisation of people with protected characteristics.

3.9 It is proposed 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;

3.10 That this 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

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changes on people with care experience, alongside those who formally share a Protected Characteristic;

- 3.11 This Council formally calls upon all other bodies to treat care experience as a protected characteristic until such time as it may be introduced by legislation.”
- 3.12 This Council formally call upon other bodies to adopt the corporate parenting principles for children in care and care experienced people;
- 3.13 We also commit to working with Terry Galloway, care leaver champion and campaigner as an expert adviser to support implementation. We will provide ongoing updates through SMT and relevant key governance bodies.
- 3.14 We have a commitment to our young people. To ease them into independence. To allow them to build a prosperous, healthy, and happy future. These proposals will ensure our young people have the tools to do just that.

Telford and Wrekin’s Local Offer to Care Leavers

- 3.15 The second part of this report is the refresh of the Telford and Wrekin Local Offer to care experienced young people in line with Section 2 of the Children and Social Work Act 2017.
- 3.16 The local offer should provide information about all the services and support that is available to care leavers from the local authority, including information about both statutory entitlements as well as any discretionary support that a local authority chooses to provide. A key part of this, is the requirement for Local Authorities to provide personal advisors to care leavers up until they reach the age of 25.
- 3.17 In addition to this, Section 1 of the Children and Social Work Act 2017 requires local authorities to have regard to seven corporate parenting principles when discharging their functions in relation to looked-after children and care leavers. As such, the local offer should set out what support all local authority departmen
 - To take into account the views, wishes and feelings of those children and young people;
 - To help those children and young people gain access to and make best use of services provided by the local authority and its relevant partners;
 - To promote high aspirations and seek to secure the best outcomes for those children and young people;
 - To have regard to the need for those children and young people to be safe and have stability in their home lives, relationships and education or work;
 - To prepare those children and young people for adulthood and independent living.
- 3.18 In 2019, a report was brought to Cabinet to review and sign off the Telford and Wrekin Local Offer to Care Leavers. The Offer has now been refreshed with additional areas of support included. The Local Offer not only details the statutory requirements of support to care leavers, but also includes details of additional support and services available within the borough for care leavers who have been previously looked after by the Telford and Wrekin Council.

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- 3.19 The request from this report is for endorsement in respect of Telford and Wrekin Council's refreshed Local Offer for Care Leavers and agreement that there will be an annual update (appendix 1).
- 3.20 We are continually looking to improve our offer and plan to build the content onto bespoke live web pages to enable us to continually update our offer with new additions. This includes working with local businesses and organisations, encouraging pledges to support care experienced young people. Some examples of these pledges include free access to and activities within National Trust sites; donations of furniture and contents from within Lovell show homes for young people leaving care; Ironbridge Coracle Trust have made an offer to deliver stimulating well being activities (social bubble expanding, emotional and mental health support) – young people will have the opportunity to try paddling a coracle, making a coracle, net making, having fun taking part in the coracle regatta, team building and confidence building, creative crafts etc..
- 3.21 Since the last review, a significant amount of work has taken place with social care and housing colleagues to further develop and strengthen our accommodation offer in relation to tailored support and young people at risk of homelessness. Our commitments are:
- Telford & Wrekin Council will not find any care leavers who are working with us to resolve their housing situation intentionally homeless.
 - TWC will provide a named housing officer to each YP who will work alongside you and your personal advisor to provide advice, support and a personalised housing plan outlining all options for accommodation and support. The Personal Housing Plan will be a document for you to take away which sets out what you need to do and what housing services and other agencies will do to help you to reach your housing goal
 - Telford & Wrekin Council will ensure any care leaver that is homeless or faced with homelessness is classed as a priority for any suitable nominations to Registered Providers for social housing.
 - Telford & Wrekin Council will provide financial support (where applicable) for paying a deposit on their new home.
 - Where a care leaver is at risk of becoming homeless, housing or tenancy sustainment support will be provided to prevent homelessness, or where this is not possible we will provide suitable emergency accommodation. Where possible this will be within a 24/7 supported accommodation specifically for young people with services who will work intensively with you.
- N.B. The Joint Housing Protocol should also support the issue of homelessness amongst care leavers.
- 3.22 The Council has secured a £10,000 Virgin social value package to support care leavers which is being used to purchase laptops and mobile phones. Alongside this, an application has been successful to the National data bank for free data for care leavers.

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- 3.23 The Council has also introduced 10 free driving lessons for care leavers, provisional driving licence; theory test; test booklet / CD Rom / App; practical driving test.
- 3.24 The Council has added to the Annual Governance Statement that every Service Delivery Manager is asked to sign to ensure that they are aware of their ongoing responsibility as a corporate parent.
- 3.25 As a Council, we also have agreed to implement phase 2 of the benefits ValU app, which will see the extension of elements of the current platform to care leavers – this will enable care leavers to access a range of discounts and savings at major retailers and supermarkets, as well as access to the Council's Employee Assistance Programme (EAP) through an app on their mobile phone or via a website. This will offer financial and emotional wellbeing support to care leavers who will be able to take advantage of discounts at major supermarkets / retailers as well as accessing a range of wellbeing advice and support on a range of topics including financial, physical and emotional wellbeing through the EAP.
- 3.26 Whilst recognising the challenges faced, we have seen huge resilience and aspirations from so many of our care experienced young people. We have a new ambitious and enthusiastic participation apprentice after the previous apprentice completed their apprenticeship and secured employment.
- 3.27 We have seen a significant increase in the number of applications to the Leader and Cabinet Member Young Person's Grant Scheme from young people with care experience, with applications to support education, employment and training and overcome any barriers to support them to achieve their ambitions.
- 3.28 We have people with care experience working with us in collaboration and coproduction, supporting with the design, planning, development and compering of conferences and events and playing a key part in the recruitment and training of council officers.
- 3.29 Work will remain ongoing to continue to build our Local Offer to care leavers in Telford and Wrekin; across all local authority directorates and with local businesses, charities and organisations from across the borough.

4.0 Summary of main proposals

- 4.1 That the Council endorses the refreshed Local Offer to Care Leavers.
- 4.2 That the Council recognises that care experienced people are a group who are likely to face discrimination and that future decisions, 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.

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4.3 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.

4.4 That this Council will treat care experience as if it were a Protected Characteristic.

5.0 Alternative Options

5.1 It is a statutory responsibility to publish and promote the Council's Local Offer to Care Leavers.

5.2 Protected characteristic: to wait for national reform.

6.0 Key Risks

6.1 Ongoing prejudice against a group that already suffers disadvantage. Despite care experienced people making up around 1.4 per cent of the UK population, they account for 25 per cent of homeless people in England and a quarter of the prison population. Nearly half of all under 21-year-olds in contact with the criminal justice system have been in care.

6.2 Not having an up-to-date Local Offer with all that is available to care experienced young people will mean that less awareness of the offer available to support them in their transition into adulthood.

7.0 Council Priorities

7.1 Every child, young person and adult lives well in their community.

8.0 Financial Implications

8.1 Although there are no direct financial implications arising from these proposals, greater awareness of support available could lead to more demand for the resources offered. However, by assisting the transition to adulthood, this is likely to reduce the need for support, with associated financial costs, as an adult.

9.0 Legal and HR Implications

9.1 The Equality Act 2010 is intended to eliminate discrimination and specifically references 9 protected characteristics for that purpose, including (but not limited to) age, disability, race and religion. The Children and Social Work Act 2017

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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.

10.0 Ward Implications

10.1 All.

11.0 Health, Social and Economic Implications

11.1 Young people who have been in out-of-home care are more likely to leave school early and are less likely to have a job or earn as much as others. Care leavers are much more likely to be homeless or end up in prison, and suffer from poorer mental health and higher suicide rates. These outcomes are not inevitable; with the right foundations and supports, young people can transition successfully from care and live happy and fulfilling lives.

12.0 Equality and Diversity Implications

12.1 The guidance states: 'When developing their local offer, local authorities are required to consult with relevant persons, which means care leavers and organisations or people that represent care leavers. Local authorities should consider how best to engage and consult with as many of their care leavers as possible.'

13.0 Climate Change and Environmental Implications

13.1 Where as an authority we are building or refurbishing properties to provide move on accommodation we will seek to maximise energy efficiency measures and minimise climate impact of that accommodation.

14.0 Background Papers

None

15.0 Appendices

A Telford and Wrekin Local Offer to Care Leavers

16.0 Report Sign Off

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Signed off by	Date sent	Date signed off	Initials
Director	09/02/2023	10/02/2023	DK
Legal	09/02/2023	10/02/2023	ON
Finance	09/02/2023	13/02/2023	TD