



## ***FULL COUNCIL REPORT***

Date Written	22 <sup>nd</sup> March 2024*
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Service Area	Children's Services
Exempt/Non Exempt	Non Exempt
Committee Date	17 <sup>th</sup> April 2024

## **Care Experience**

### **1.0 SUMMARY OF THE REPORT**

- 1.1 This report identifies how the Equality Act links to protected characteristics.
- 1.2 This report summaries why the council should consider making care experience a protected characteristic.

### **2.0 RECOMMENDATION that**

- 2.1 The proposal to treat being a care leaver in the same way as a statutory protected characteristic be discussed, with a report being brought back to Council with final recommendations, be approved.

### **3.0 INTRODUCTION AND BACKGROUND**

- 3.1 Merthyr Tydfil County Borough Council recognises the importance of Diversity and Equality and strives to lead the way by ensuring these principles are promoted and actively celebrated. Currently, there is a growing momentum in Wales amongst Welsh Local Authorities to acknowledge the importance of recognising 'Care experienced' as a protected characteristic. Early discussions are taking place nationally and regionally to recognise this as a key characteristic and take positive action to build this onto relevant strategies.
- 3.2 The Equality Act is a landmark piece of legislation that has played a crucial role in promoting equality, diversity, and inclusion in our society. It has improved protection against discrimination for individuals based on their protected characteristics, including race, gender, sexual orientation and disability. It has also increased accountability and legal recourse for individuals who experience discrimination in the workplace, education and public services. The Equality Act has also promoted

diversity and inclusion in the workplace, resulting in a more varied and skilled workforce. Additionally, it has encouraged positive change in organisational culture by promoting equality and diversity as core values, while also promoting a more cohesive and tolerant society by challenging and reducing discrimination and prejudice based on protected characteristics.

- 3.3 Despite its many successes, the Equality Act currently does not include care experience as a protected characteristic. This is a significant omission, as care-experienced individuals face a number of disadvantages in society, including homelessness, higher unemployment rates and lower educational attainment levels. Protected Characteristics is a political power reserved to the exclusive jurisdiction of Westminster which means this matter will apply across England, Scotland and Wales when it is implemented.
- 3.4 Extending the Equality Act to include care experience as a protected characteristic would be a positive step towards creating a more equitable and inclusive society. It would provide care-experienced individuals with the same legal protections as other groups against discrimination in the workplace, education and public services. It would also send a strong message that care experience is a valued part of our society and that care-experienced individuals deserve to be treated with respect and dignity.
- 3.5 A number of councils in England have already passed motions to support the extension of the Equality Act to include care experience as a protected characteristic. This is a positive development and it is hoped that more councils in Wales will follow suit. Businesses can also play a role in supporting care-experienced individuals by prioritising them in their recruitment and employment practices. By working together, we can create a society where everyone has the opportunity to reach their full potential, regardless of their background.
- 3.6 The Equality Act is a UK law passed in 2010 that aims to protect people from discrimination based on a range of personal characteristics. These characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 3.7 The Act brings together and strengthens existing anti-discrimination laws, making it illegal to discriminate against someone in the workplace, education, housing, or when accessing goods or services. It also requires public bodies to promote equality and tackle discrimination. The Equality Act was introduced to ensure that everyone has equal opportunities and is treated fairly, regardless of their personal characteristics. It was designed to create a more inclusive and diverse society, where everyone can reach their full potential.
- 3.8 A recent Independent Review of 'Children's Social Care' in England headed by Josh McCallister published in May 2022 contained 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."

This recommendation was also drawn out as receiving near universal support in Welsh Government's radical reform report for care experienced young people. Care experience refers to individuals who have spent time in the care system, either as children or adults. It is not currently included in the nine protected characteristics, despite the significant challenges that care-experienced individuals face. The Equality Act seeks to ensure everyone is treated fairly and equally, it is designed to prevent discrimination in a number of different areas, including employment, education, housing and services.

- 3.9 Across all the key facets included when considering equality, housing, health, education and employment there is absolute and consistent confirmation that care leavers are disadvantaged.
- 25% of the homeless population is estimated to be care experienced.
  - Care experienced people are 3 times less likely to access higher education and this gap is widening.
  - Care experienced people have one of the highest pay gaps at over 25%.
  - Care experienced people are 70% more likely to die prematurely.
- 3.10 When the Equality Act was created care experience was not considered for inclusion. Since 2010 there has been extensive, broad, and well-founded research demonstrating the disadvantaged outcomes and discrimination care experience people face. We should continue to evolve the Equality Act in line with our developed understanding and ensure it continues to serve those who are at greatest risk of discrimination and inequitable outcomes.
- 3.11 Local councils play a vital role in ensuring that vulnerable members of society are protected and provided with the support that they need. One such initiative that has been implemented by many councils is the recognition of care experience as a protected characteristic. This means that individuals who have been in care in Merthyr Tydfil will be afforded the same legal protection against discrimination as other groups such as those based on race, gender and sexuality.
- 3.12 As part of this recognition Merthyr Tydfil County Borough Council would be committing to the inclusion of Care Experience in their Integrated Impact Assessments (IIA). IIAs provide a systematic approach for policymakers and decision-makers to assess the potential impact of their proposed policies on different groups, particularly those with protected characteristics. By recognising care experience as a protected characteristic, IIAs give a voice to care-experienced individuals in arenas where they have not been heard before. This would lead to Merthyr Tydfil carrying out further activity to monitor, educate and improve the equitable outcomes for care experienced individuals.
- 3.13 This would be a significant step forward in improving the lives of care-experienced individuals. It would mean that they are recognised as a distinct group with specific needs and experiences that must be taken into account. This would lead to a positive change, with Merthyr Tydfil implementing policies and practices that are tailored to the needs of care-experienced individuals.

- 3.14 By taking this action, Merthyr Tydfil council are sending a powerful message that care-experienced individuals are valued members of society who deserve equal treatment and opportunities. It is inspiring to see this positive change happening, and we can only hope that other organisations will follow suit, ensuring that everyone is treated fairly and with dignity.

## **4.0 PROTECTED CHARACTERISTICS FOR CARE EXPERIENCE**

- 4.1 Care experienced young people may face discrimination, stigma and prejudice in their day to day lives. Research indicates that the public's perceptions of care experience focus on the idea that children are damaged which could lead to discrimination and assumptions.
- 4.2 Young people in care describe having been subjected to stigmatisation and discrimination which can sometimes be explicit and often comes with assumptions about their experiences. This can also be implicit and evidenced in the way care experience is discussed in schools, workplaces and the media.
- 4.3 Some of the most direct examples care experienced young people experience in terms of discrimination are when they are refused employment, accommodation or when they are judged on potential educational ability or negative views about their parenting ability when they have children and families of their own.
- 4.4 Making care experience a protected characteristic would provide greater autonomy to the Local Authority to put in place policies and programmes which will promote improved outcomes for care experienced people.

## **5.0 FACTORS**

- 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;
- Care experienced people may encounter inconsistent support in different geographical areas;
- As corporate parents, councillors have a collective responsibility for providing the best possible care and safeguarding for the children who are looked after by us as an authority;
- As corporate parents Merthyr Tydfil County Borough Council will commit to acting as mentors, hearing the voices of care experienced children and young people and to consider their needs in any aspect of council work; and
- Councillors will be champions of the children in our care and challenge the negative attitudes and prejudice that exists in all aspects of society.

## **6.0 FINANCIAL/PROCUREMENT/PERFORMANCE/LEGAL/POLICY/HR ISSUES**

- 6.1 There aren't any foreseeable financial or HR implications. However, there are likely to be implications at an operational level which could require a review of Local Authority policies/procedures across directorates and the inclusion of care experience as a protected characteristic in strategic planning as part of the fairness and integrated impact assessments.
- 6.2 The current Wellbeing Plan and equality strategy would need to include care experience as a protected characteristic when updated and requiring reviewing of our Equality Objectives.

## **7.0 RISKS (AND BENEFITS/OPPORTUNITIES)**

- 7.1 There are several benefits resulting from the commitment (motion):
- Greater opportunities for care leavers in terms of employment, housing, health, and education.
  - Improving access to services.
  - Influencing good practice in and across Merthyr Tydfil.
  - Links to Corporate Parenting duties.
- 7.2 Potential risks include:
- Potential disagreements about the nature of this characteristic being protected.
  - The operational and strategic implications and the need to review existing council wide work to reflect and adopt this characteristic in working practice.

## **8.0 NEXT STEPS AND TIMESCALE**

- 8.1 Following agreement, detailed discussions to commence with officers to consider wider impact including housing and homelessness services.
- 8.2 It is proposed to add care experience as a protected characteristic within the next Wellbeing Plan and Equality Strategy.

## **9.0 FINANCIAL IMPLICATIONS**

- 9.1 There are no financial implications for being Corporate Parents in addition to core budgets as this falls within the statutory duties of the local authority.

## 10.0 INTEGRATED IMPACT ASSESSMENT

10.1

	Positive Impacts	Negative Impacts	Neutral
1. Merthyr Tydfil Well-being Objectives	3 of 4	0 of 4	1 of 4
2. Sustainable Development Principles	5 of 5	0 of 5	0 of 5
3. Protected Characteristics (including Welsh Language)	4 of 10	0 of 10	6 of 10
4. Socio-economic Disadvantage	6 of 6	0 of 6	0 of 6
5. Decarbonisation	0 of 6	0 of 6	6 of 6
6. Biodiversity and the resilience of Ecosystems	<b>Maintained</b>	<b>Enhanced</b>	<b>Reduced</b>
	1 of 1	0 of 1	0 of 1
7. Consultation and Engagement	<b>Undertaken</b>	<b>Due to be Undertaken</b>	<b>Not Required</b>
	1 of 1	0 of 1	0 of 1
8. Data and Evidence	<b>Yes</b>	<b>No</b>	
	1 of 1	0 of 1	
<b>Summary</b>			
<b>The main positive impacts are:</b>	The main positive impacts are Care experienced young people are supported to meet their potential; this meets Well-being Objectives for health.		
<b>The main negative impacts are:</b>	No negative impacts have been identified.		

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**COUNCILLOR JULIA JENKINS**  
**CABINET MEMBER FOR**  
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<b>BACKGROUND PAPERS</b>		
Title of Document(s)	Document(s) Date	Document Location
Does the report contain any issue that may impact the Council's Constitution?		No

***Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.***