

**Calderdale MBC**

**Wards Affected -  
All**

**Cabinet**

**11 December  
2023**



## **Report of the Director of Children and Young People's Services**

### **Improvements to the Calderdale Care Leavers Offer and Consideration of Protected Characteristic Status**

#### **1. Purpose of Report**

- 1.1 As corporate parents, elected members have a collective responsibility for providing the best possible care and opportunities for children in our care and care leavers. This report sets out the commitment of Calderdale Council to treat our care leavers as we would our own children as they reach independence. This is in line with the council's priority to tackle inequalities and to meet its Vision 2024 aims of kindness and resilience. The Council has refreshed the 'Promise' to our care leavers during care leavers week in October 2023.
- 1.2 Calderdale Council is acting on suggested improvements from a visit from Mark Riddell, the National Department for Education's Care Leaver Adviser. Many care experienced people face discrimination, stigma, and prejudice in their day to day lives. This report asks the Council to consider reducing this discrimination by recognising care experience as a protected characteristic.

#### **2. Need for a decision**

- 2.1 Cabinet are requested to consider whether services and policies made and adopted by the council should be assessed through Equality Impact Assessments and the impact this could have in relation to care leavers. This would determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic.

#### **3. Recommendation**

- 3.1 Cabinet is asked to: agree to recognise 'care experienced' as a protected characteristic.

#### **4. Background and/or details**

- 4.1 On 18<sup>th</sup> and 19<sup>th</sup> of April 2023, Mark Riddell MBE, National Implementation Advisor to Government visited Calderdale to review our Local Offer to Care Leavers. Mark's role within Government is to advise ministers on the progress local authorities are making in implementing the new duties to Care Leavers introduced through the Children & Social Work Act (2017). Additionally, Mark advises the government on his view of the issues care leavers experience nationally and how the government can support care leavers through changes in legislation and guidance.
- 4.2 Mark fed-back that he saw a 'Good' Care Leavers Service, with evidence of the positive changes that have been implemented since the last Ofsted focused visit and since the LGA undertook their diagnostic review of corporate parenting in 2022.
- 4.3 Calderdale Council has signed up to the Care Leaver Friendly Charter, to help create opportunities for young people leaving care. The council is committed to supporting young people leaving care and does all it can to ensure they have the opportunities to enable them to reach their potential. The Care Leaver Friendly Employer Charter is a nationally recognised agreement which has been developed by the Care Leaver Covenant in collaboration with recruitment specialists Penna. The charter sets out nine principles for employers to adopt and outlines key activities to work towards in recruitment, tracking and development, ensuring that care leavers are identified and supported.
- 4.4 By signing up to the charter, Calderdale Council has made official its status as a Care Leaver Friendly Employer and approved a set of criteria to work towards, to support care leavers to thrive in the workplace. This includes a guaranteed interview for Calderdale Council apprenticeships or jobs, for care leavers who meet the minimum criteria for the post. Care leavers working at the council would also be given support within their role and receive compassion and understanding around any additional challenges they may be facing.
- 4.5 There are plans to improve the Housing Offer to care leavers through better engagement with private landlords, a rent guarantee scheme and extending the current social housing offer that ends at 21, to age 25. Additional support from the Department of Work and Pensions for young people in apprenticeships, through additional benefit payments.
- 4.6 Mark Riddell recommended consideration be given to agreeing to the status of 'protected characteristic' for care leavers. Care experienced people face significant barriers that impact them throughout their lives. Despite their resilience, society 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. The Independent Review of Children's Social Care published the Care Review in May 2022 which included recommendations 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.

## 5. Options considered

- 5.1 Option 1: Approve 'care experienced' as a local protected characteristic by Calderdale Council. By formally recognising care leavers as a protected characteristic the council are acknowledging those with care experience can face discrimination, stigma and prejudice. The recognition demonstrates Cabinet's commitment to advancing equality of opportunity between those with care experience and those without. By making 'care experience' a protected characteristic Calderdale are demonstrating its commitment to care leavers now as opposed to waiting for national reform to impose these changes on our behalf. By 'care leaver', we refer to the definition as in the Children and Social Work Act 2017.
- 5.2 Option 2: Do not approve 'care experienced' as a protected characteristic by Calderdale Council. Future national reform may introduce care experience as a characteristic under the Equalities Act in the future. This was a key recommendation from the Care Review and is currently being implemented by several local authorities nationally. The Children's Commissioner is also undertaking a national survey on this issue [Should care experience be a protected characteristic? | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](https://www.childrenscommissioner.gov.uk/should-care-experience-be-a-protected-characteristic/)

## 6. Financial implications

- 6.1 The approval of 'care leaver experience' as a protected characteristic does not create additional financial implications. The costs of support and services accessed by people with care leaver experience will be met from existing budgets.

## 7. Legal Implications

- 7.1 The Council has duties to provide support to care leavers under the Children Act 1989 as amended by the Children and Social Work Act 2017. The proposals set out in this report will enable the council to carry out these duties. The recognition of care experienced as a protected characteristic by the council does not create any enforceable rights for those who have this characteristic. It is not at present one of the protected characteristics under the Equality Act 2010, in respect of which discrimination is unlawful.
- 7.2 **HR: implications:** Subject to the outcome of the recommendations, consideration will need to be given to any related policy changes. The timing of any policy changes will need to be managed in accordance with current processes and there may be potential cost implications. From an HR

perspective there are two aspects to this – 1. Employment/HR Policies and 2. Service provision.

- 7.3 It is possible to draft policies that go above and beyond what the law requires and as a council we do try to have flexibility and a common sense approach to addressing any issues and supporting the workforce as a whole and as individuals.
- 7.4 In the absence of legislation regarding ‘treating care experience as if it were a protected characteristic’, it is important to fully understand what that means for us. Also the practical things that can be put in place to ensure that those with care experience are fully considered both regarding employment/prospective employment and opportunities, and service provision to reduce and hopefully remove the barriers and challenges as highlighted in the report.
- 7.5 It is important for us as a council to consider that all those who are care experienced will have their own stories – our overall approach particularly with regard to HR policies is that we look at the individual circumstances rather than label or assume – we would apply this approach not only for those who are care experienced but all staff. There is more work to do around communicating this and ensuring all staff and managers have the same approach and understanding.
- 7.6 Adding care experience into Equality Impact Assessments would seem to be a helpful approach to ensure that consideration is given and informs decision making.
- 7.7 Our Workforce Strategy includes a focus on care leavers, and this will be strengthened by the broader strategy around our commitment to those who are care experienced around all aspects of their lives.
- 7.8 On a practical level we would need to review all our policies to ensure that these adequately cover the requirements (as set out in the report) and identify any gaps/actions required e.g., recruitment and selection – review what is already available for those who are care experienced, is there any additional work required to remove barriers to employment and how do we provide appropriate support during employment. We would need to ensure that no one will be subject to discrimination/harassment as a result of being care experienced. We will also need to ensure that we are not disadvantaging anyone with another protective characteristic as a result of the way we treat those who are care experienced.

## **8. Consultation**

- 8.1 None

## **9. Environment, Health and Economic Implications**

- 9.1 There are no direct climate and ecological emergency implications to this decision. There are direct health and economic benefits for care leavers.

## **10. Equality and Diversity**

- 10.1 The recommendations outlined will have positive equality implications for our young people in care and leaving care (up to the age of 25). Care experienced people face significant barriers that impact them throughout their lives, often facing discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system. Recognising and making allowances for this by making care experience a protected characteristic will positively impact on care experienced young people and support them to become thriving adults.

## **11. Summary and Recommendations**

- 11.1 Cabinet is asked to agree that 'care experienced' is recognised as a protected characteristic by Calderdale Council. This demonstrates our commitment as a Corporate Parent to ending the disparity and inequality faced by care experienced young people by going beyond our statutory requirements and ensuring that the needs of care experienced young people are at the heart of all our decision-making alongside other groups who formally share a protected characteristic.

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### **For further information on this report, contact:**

Julie Jenkins,  
Telephone:  
E-mail:

Director of Childrens and Young People's Services  
01422 392827  
[Julie.jenkins@calderdale.gov.uk](mailto:Julie.jenkins@calderdale.gov.uk)