



Report to Policy Committee

Author/Lead Officer of Report:

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Report of: Report of the Strategic Director of Children's Services

Report to: Strategy and Resources Policy Committee

Date of Decision: 13 December 2023

Subject: Protected Characteristics for Care Experienced People

Type of Equality Impact Assessment (EIA) undertaken	Initial <input type="checkbox"/>	Full <input checked="" type="checkbox"/>
Insert EIA reference number and attach EIA	2475	
Has appropriate consultation/engagement taken place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<p>If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below: -</p> <p><i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i></p>		

Purpose of Report:

This report is to support detailed consideration of the motion agreed Council of 1st November 2023, that 'Care Experienced' is recognised as a protected characteristic by Sheffield City Council.

Recommendations:

Strategy and Resources Policy Committee is recommended to:

1. Note the resolution of Full Council on 1st November 2023 regarding Care Experienced People and the context to that resolution as set out in this Report;
2. Endorse the principles set out in the resolution and confirm that the Council will regard Care Experience as a protected characteristic whilst noting that further work will be required on the implementation of those principles/changes; and
3. Agree that further detail should be provided in the forthcoming report “Equality Framework Equality Is Everybody’s Business”.

Background Papers:

Full Council Motion 1 November 2023 [See Motion 3](#)

Lead Officer to complete: -		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: Kayleigh Inman
		Legal: Patrick Chisholm
		Equalities & Consultation: Bashir Khan
		Climate: <i>n/a</i>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	SLB member who approved submission:	Strategic Director of Children’s Services
3	Committee Chair consulted:	Chair of Strategy and Resources Policy Committee
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Izzy Fisher</i>	Job Title: <i>Assistant Director, Children’s Services</i>
	Date: <i>4 December 2023</i>	

1. PROPOSAL

1.1 The Resolution passed by Council on 1st November included a specific referral to Strategy and Resources Policy Committee that asked:

That Strategy and Resources Policy Committee, as part of the forthcoming Equalities Framework, consider: -

- (i) introducing a requirement that, when making any policy decisions, the Council recognises Care Experienced people are a vulnerable group who face discrimination.
- (ii) treating care experience as if it were a Protected Characteristic so that future services and policies consider care experience through Equality Impact Assessments.
- (iii) putting the needs of vulnerable people at the heart of decision-making through co-production and collaboration; and
- (iv) calling upon all other bodies to adopt corporate parenting for children in care and care experienced people until such time as it may be introduced by legislation.
- (v) the impact on people with other protected characteristics such as race, sexual orientation, or disability, as well as issues of intersectional or multiple discrimination.
- (vi) the scope for a trial scheme for a basic income pilot for care leavers, as piloted by the Welsh Government; and
- (vii) requesting the Government to ensure full funding that is needed to meet all the recommendations of the independent review of children's social care by Josh MacAlister

1.2 Background

1.2.1 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.

1.2.2 In 2021, the Government commissioned Josh MacAlister to undertake an Independent Review of Children's Social Care. Published in May 2022, the review recommended that care experience should be treated as an additional protected characteristic:

“...to tackle the stigma and discrimination many care leavers face in their day to day lives, the UK should be the first country in the world to recognise the care experience as a legally protected characteristic in equalities legislation.” (p. 145)

- 1.2.3 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.
- 1.2.4 However, the Government, in its response, *Stable Homes, Built on Love: Implementation Strategy and Consultation*, published in February 2023, decided not to take forward the recommendation, citing “significant concerns in the sector that self-declaration of care experience could increase stigma”. Instead, the Government said it would prioritise extending corporate parenting responsibilities.
- 1.2.5 As a Corporate Parent, every elected member and employee of this Council has a collective responsibility to provide the best care, support and safeguarding to the children in our care and make sure that young people who may have had disrupted experiences of family life get the support they need to live the happiest and healthiest lives possible, so that they reach their full potential.
- 1.2.6 By agreeing to this, the 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 changes on people with care experience, alongside those who formally share a Protected Characteristic. This would raise awareness across the Council of services' roles in being a responsible corporate parent to care leavers. It would raise the profile of the care experienced population because the impact on care experienced people would form part of all decision making. This will put the voices, needs, priorities and rights of our young people at the heart of everything we do.
- 1.2.7 By adopting and embedding this principal, Sheffield City Council are furthering their support and commitment to all people with care experience (whether living in Sheffield or elsewhere) and improving outcomes in the following areas: readiness for independent living, accessing work readiness and employability skills; building future careers and gaining experience; and championing access to apprenticeships and support through recruitment processes.
- 1.2.8 A decision to treat care experience as a protected characteristic would mean that all decisions take account of the impact on care experienced people.

1.3 Existing Council support to care leavers

1.3.1 The council has;

- (i) a substantive local offer for our cared for and care experienced children as outlined in our Local Offer to Care Leavers;
- (ii) an award-winning Voice and Influence Team which employs a group of Care Experienced Young People to deliver a range of consultation, training, and scrutiny activities to ensure the voice of Children in Care and Care Experienced Young People are central to service development and decision making;
- (iii) a “Staying Close” project to enable Care Leavers to enjoy enhanced support to independence;
- (iv) continued to support friendships and tackle loneliness with a programme of free activities and events.
- (v) implemented a new Pathway Plan snapshot document; this enables Care Leavers to clearly see their agreed plan as they transition to independence;
- (vi) developed a range of work experience, training and apprenticeship offers for Care Experienced young people; and
- (vii) provided a full Tenancy Ready Programme to prepare Care Experienced young people for managing their own accommodation and award priority status to Care Leavers;
- (viii) an Ofsted judgment of “good” for the experience and progress of Care Leavers

1.3.2 However, we know that we can always do more and as part of this commitment, aim to work as one Council alongside our partners to be ambitious and improve our offer for care experienced young people.

1.3.3 The risk implications of either restricting the treatment of care experience as a protected characteristic to young people who are care leavers or extending it to all people with care experience in Sheffield, are explored more in section 4 of this report.

1.3.4 However, we know that we can always do more and as part of this commitment, aim to work as one Council alongside our partners to be ambitious and improve our offer for care experienced young people.

1.4 Outcomes for people with experience of care - Brightsport Survey

Sheffield City Council consults with Children in care and Care leavers on a regular basis using the Coram Voice – Brightspots survey. The results of the most recent survey of Care Leavers experience - Your Life Beyond Care was published on November 1st 2023. 139 Sheffield Care Leavers responded. The key areas identified for improvement were –

1.4.1 Relationships

More care leavers (20%) did not have a really good friend compared to their peers (2%) in the general population and young people (13%) in Sheffield. 24% of care leavers reported that they often/always felt lonely; 14% greater than their peers in the general population.

1.4.2 Finances

Many of the young people who responded to the survey were struggling to cope with living independently. Care leavers wrote about the cost-of-living crisis and being unable to pay for food and/ or bills. Some young people reported being in debt, and many young people wrote about not being taught budgeting skills.

More care leavers (28%) in Sheffield reported that they were experiencing financial difficulties compared to their peers (9%) in the general population, and care leavers (20%) nationally.

12% of care leavers in Sheffield reported that they did not have access to the Internet in their home: 8% greater than their peers in the general population.

1.4.3 Subjective Well-Being

39% of care leavers in Sheffield had high anxiety; 17% greater than their peers in the general population.

29% of care leavers felt the things they did in life were not worthwhile; 25% greater than their peers in the general population.

30% of care leavers reported low levels of happiness yesterday; 22% greater than their peers in the general population.

35% of care leavers in Sheffield reported low life satisfaction; 32% greater than their peers in the general population and 9% greater than care leavers nationally.

36% of care leavers were unhappy with their appearance; 8% greater than care leavers nationally.

Care leavers had a greater mean stress score (M=7.84) compared to their peers in the general population (M=6.66) and care leavers (M=7.44) nationally.

1.5 Scope of this decision

- 1.5.1 Councils that have carried motions to treat care experience as a protected characteristic have referred both to care leavers and to those with experience of children's social care (which could include people of any age).
- 1.5.2 The Council holds data on young people leaving children's social care, but it does not hold data on the total numbers of people with experience of care (of all ages) currently living in Sheffield. Therefore, it is not possible to reliably predict the figure of all people of any age with care experience in Sheffield. In terms of the former, as of 31 March 2023, there were 873 young people in Sheffield aged between 17 and 25 years old who were eligible for Care Leaving Support.
- 1.5.3 At a national level, the numbers of children in care have risen in recent years. Research by the County Councils Network estimates there could be over 100,000 children in care in England by 2025, representing an increase of 36% in a decade. This suggests that there are likely to be higher numbers of relatively younger people who have left care living in Sheffield, compared to relatively older people who have experience of care.
- 1.5.4 The rationale for a fully inclusive approach which considers all those with care experience in this decision to treat care experience as a protected characteristic is that, as a responsible corporate parent, the Council should recognise the significant challenges that people with care experience may have faced, regardless of their current age or the amount of time they have spent in the care system.

2. HOW DOES THIS DECISION CONTRIBUTE?

2.1 Strong Economy

- 2.1.1 Investing in our young people's future and giving them the best start in life to enable them to live as thriving, inter-dependent adults.
- 2.1.2 Two areas of activity linked to a decision to treat care experience as a protected characteristic could improve access to opportunities and prosperity for this group: - The Council could explore opportunities to offer a guaranteed interview scheme for care experienced people. This could increase access to employment opportunities for more care experienced people.
- 2.1.3 Members and employees with care experience may also wish to serve as role models for children leaving care, by sharing information on the roles available at the Council, for example. This could help raise aspirations and encourage care experienced people to engage in local authority careers and consider career progression opportunities.

2.2 **Better Health and Wellbeing**

- 2.2.1 Ensuring that care experienced young people are not overlooked in Council decision-making and that additional consideration is given to their needs when changing or developing new policies.
- 2.2.2 Approval of this recommendation will demonstrate our commitment to the young people who are, and have been, in our care and our investment in supporting them to have prosperous, healthy, and happy futures.

2.3 **Thriving Communities**

- 2.3.1 Demonstrating our commitment now to young people who have been in our care and our aspirations for their futures, as opposed to waiting for national reform to impose these changes on our behalf.
Putting the needs of care experienced young people at the heart of our decision making through co-production and collaboration, proactively seeking out and listening to their voices when developing new policies.

2.4 **Tacking Inequalities**

- 2.4.1 Recognising the inequality and unique challenges faced by care experienced young people by going beyond our statutory requirements and putting the voices, needs, priorities and rights of children and young people at the heart of everything we do.
- 2.4.2 In turn, this would help improve equality of access to services and social and economic opportunities for the care experienced population in Sheffield and reduce social isolation among care experienced groups.

3. **HAS THERE BEEN ANY CONSULTATION?**

- 3.1 “Bright spots” surveys are undertaken by Coram Voice on behalf of Sheffield City Council every two years. The last results were announced on 1st November 2023. 29% of Sheffield City Councils Children in Care and Care Leavers took part offering feedback about their lived experience and its impact on their wellbeing.
- 3.2 The proposal had been discussed the Care Leavers Steering Group and was fully supported.
- 3.3 In addition, the Voice and Influence Team which employs a group of Care Experienced Young People have been consulted about this proposal.

4. **RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

4.1 Equality Implications

- 4.1.1 The report recommends recognising ‘Care Experienced’ as a Protected Characteristic to demonstrate the Council’s commitment to advancing equality of opportunity between those with care experience and those

without and doing so in advance of national reform which will mandate this for all councils. This is in line with the Councils values.

- Put people at the heart of what we do.
- Open and honest
- Together we get things done.

4.1.2 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.

4.2 Financial and Commercial Implications

4.2.1 There are no direct financial implications arising from the recommendation of this report.

4.3 Legal Implications

4.3.1 The Council has existing 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 expand upon these duties.

4.3.2 Section 4 of the Equality Act 2010 sets out 9 characteristics and people with those characteristics are protected from discrimination on the grounds of those characteristics. There is no legal reason why the Council cannot add care experienced to the list to be considered locally in all situations where protected characteristics are considered (including, but not limited to, decisions on future services and policies, and including equality impact assessments). However, in the event that in any assessment there is a conflicting impact between care experienced and any of the statutory protected characteristics, then the statutory protected characteristics must take precedence.

4.3.3 While legally permissible to take a position of treating 'care experience' as an additional protected characteristic, this will require reflecting in the Council's policies and procedures to ensure that the commitments and obligations are clearly set out and established. Once established the Council will be expected to comply with the relevant duties and could be subject to legal challenge where a duty was not complied with.

4.4 Climate Implications

None

4.5 **Other Implications**

4.5.1 There are risks around how the Council defines ‘care experience’. It is important to acknowledge the different risk implications of the Council adopting a definition that is either:

a) restricted to ‘care leavers’ aged 16 to 25 years old; or

b) which includes care experienced people of any age and with any length of experience of being in children’s social care (recommended option).

4.5.2 The key difference of the latter is that it will include a greater number of people than if the Council was to adopt a definition expressing a particular age bracket and/or a minimum amount of time spent in children’s social care.

4.5.3 A comparison of the key risks of adopting either definition is below:

	Advantages	Disadvantages
‘Care leavers’ (16–25-year-olds)	The definition of ‘care leaver’ relies on specific qualifying criteria for young people aged 16+ years old.	A Council decision to treat ‘care leavers’ as a protected characteristic would only benefit a relatively small group of those who have experienced children’s social care.
	Targeted support could be made available to specific individuals identified as ‘care leavers’ in Sheffield, to whom the Council has a duty of care as corporate parent.	Excludes other young adults who no longer fall under the definition of ‘care leaver’ but who may continue to face discrimination and or/disadvantage due to having experience of the care system.
	Simpler to quantify potential costs to the Council of adopting care experience as a protected characteristic.	(As above)

‘Care experienced’ (any person of any age, and with any length of children’s social care experience living in Sheffield)	Inclusive definition to include anyone with children’s social care experience living in Sheffield.	Difficult to identify the total number of people with care experience in Sheffield.
	A broad definition of ‘care experienced’ will require all Council services and wider partners to acknowledge and take action to tackle the disadvantage care experienced people may face	May include some people who spent a very short period of time in care (and/or for whom care experience was a long time ago) who may be less likely to face disadvantages experienced by those formally identified as a ‘care leaver’.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 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 55 Local Authorities nationally.

6. REASONS FOR RECOMMENDATIONS

6.1 As corporate parent, the Council has a responsibility to provide the best possible care and safeguard children who are looked after by us as an Authority. It demonstrates Sheffield City Councils 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.

6.2 By formally recognising care leavers as a protected characteristic the Committee are acknowledging those with care experience can face discrimination, stigma, and prejudice. The recognition demonstrates Committee’s commitment to advancing equality of opportunity between those with care experience and those without. By making ‘care experience’ a protected characteristic SCC are demonstrating its commitment to Care Leavers now as opposed to waiting for national reform to impose these changes on our behalf.

6.3 Councillors should be champions of our looked after children and young people and challenge the negative attitudes and prejudice that exist; and The Public Sector Equality Duty requires public bodies, such as councils, to have due regard to the need to:-

- (A) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (B) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (C) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

6.4 The decision to treat care experience as a tenth protected characteristic would further cement the Council's existing strong track record as a corporate parent. Performance and outcomes for care leavers are an important proxy for the overall effectiveness of the children's social care system and the experience of children in care. It is not possible to achieve good outcomes for care leavers unless the right children come into care, for the right reasons and they are supported effectively to reach their best potential during the time they are in care.