



Protected Characteristic: Care Leavers / Care Experience

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Lead Member/Relevant Portfolio Holder	Portfolio Holder for Communities, Health and Wellbeing

Corporate Priority:	Healthy Communities and Neighbourhoods Engaging and Connected Council
Wards Affected:	All Wards
Date of consultation with Ward Member(s):	Not Applicable
Exempt Information:	No

1 Summary

- 1.1 Council is asked to consider a proposal that individuals who are care leavers / care experienced individuals are treated as if it were a Protected Characteristic under the Equality Act 2010.
- 1.2 The Government have not yet made this a legal requirement, but that does not prevent the council adopting this approach. As an organisation, we aim to move beyond simply fulfilling a legal obligation in relation to Equalities and go further to incorporate the principles of Equality, Diversity and Inclusion (ED&I) into every aspect of our services, functions, and policies.

2 Recommendations

That Council:

- 2.1 **Approve that Melton Borough Council treat Care Leavers / Care Experience as a Protected Characteristic.**

3 Reason for Recommendations

- 3.1 As an organisation, we aim to move beyond simply fulfilling our legal obligations in relation to Equalities and go further to incorporate the principles of Equality, Diversity and Inclusion (ED&I) into every aspect of our services, functions, and policies. As a Corporate Parent, we have a responsibility to act for those children and young people as a parent would for their own child.
- 3.2 The journey out of care is a particularly important and often complex and challenging transition; the success or failure of which, impacts on outcomes throughout early adulthood and beyond.
- 3.3 Adopting this as a protected characteristic will ensure we acknowledge and consider the disadvantages faced by care leavers and seek to redress these inequalities. It will mean that the Council will give due regard to the needs of care leavers / those with care experience as part of its considerations and decision making.
- 3.4 The Council recently approved its Corporate Strategy 2024 – 2036. Within that, as part of the [Healthy Communities and Neighbourhoods](#) priority, the Council made a commitment to adopt care experience as a protected characteristic.

4 Background

- 4.1 There is growing momentum nationally across Local Authorities and other organisations to make experience of care a protected characteristic within their policies to seek to redress inequalities faced by care experienced young people.
- 4.2 The independent review of children’s social care led by Josh MacAllister, published a final report and recommendations in May 2022 that included:
- a) “Government should make care experience a protected characteristic.”
 - b) “New legislation should be passed which broadens corporate parenting responsibilities across a wider set of public bodies and organisations.”
 - c) “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.”
- 4.3 To date, more than 80 councils (including some Leicestershire councils) have already agreed to treat care leavers / care experience as a protected characteristic, with an increasing number working towards adopting this. In February 2024, Leicestershire County Council supported a [motion](#) to treat care experience as if it were a protected characteristic, noting at the time that the county council was supporting 728 children in care and 442 care

leavers aged 18-25 years. There is ongoing collaboration between councils to support children and young people towards independence.

4.4 **Care Leavers in the Melton Borough**

4.5 Melton Borough Council takes its corporate parenting responsibilities seriously and has signed up to the Countywide care leavers promise and housing protocol along with other Councils across Leicestershire in 2019. The Leicestershire Care Leavers protocol, endorsed by the Cabinet in August 2023 is attached at Appendix 1 for information.

4.6 Furthermore, the Council already offers or will look to adopt the following enhanced offer for care experienced individuals:

a) **Housing and Council Tax**

- i) Increased housing priority banding for individuals leaving care placements.
- ii) Enhanced support for the purchase of white goods and furnishings when moving into a property.
- iii) Exemption from Council Tax up to the age of 25.

b) **Work and Training**

- i) Offered a guaranteed interview if the minimum essential criteria for the role is met in relation to a Council job.
- ii) Supporting young people with experience of care in developing work readiness and employability skills to help them successfully apply for employment through the Community Support Hub.

c) **Sport, Leisure & Physical Activity**

- i) Experience of Care individuals will receive free Leisure membership up to the age of 21.
- ii) Children in foster care and their care givers/foster parents receive free Leisure membership.
- iii) Experience of Care Individuals will receive up to 50% concessions on Leisure activities up to the age of 21.
- iv) Access to our physical activity pathway services through the Healthy and Active Communities team.

4.7 In addition, the Strategic Lead for Supporting Communities is our corporate lead and champion for Care Leavers and is actively engaged in work across Leicestershire to support positive outcomes for young people with care experience.

5 **Main Considerations**

5.1 Despite this strong corporate and political commitment to care leavers, it is considered that care experienced people can face significant barriers that impact them throughout their lives and that society too often does not take their needs into account.

- 5.2 Care experienced people often face discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system.
- 5.3 The Public Sector Equality Duty requires public bodies, such as councils, to have due regard to unlawful discrimination, harassment, and victimisation of people with protected characteristics. It is for these reasons that it is proposed that Melton Borough Council joins the increasing number of Local Authorities who have already done so and adopts the policy of treating care experienced individuals as a protected characteristic.
- 5.4 **Impact of this decision**
- 5.5 When making any decisions in relation to its policies or formulating its plans that the council recognises that care experienced people are a vulnerable group who face discrimination. The council recognises that Councils have a duty to put the needs of vulnerable people at the heart of decision-making through co-production and collaboration.
- 5.6 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.
- 5.7 It will mean that the Council will give due regard to the needs of care leavers / those with care experience as part of its considerations and decision making.

6 Options Considered

- 6.1 The Council could choose not to including care experience as a protected characteristic and in doing so, adopting the existing legislative approach. This is not recommended. As a Corporate Parent, the Council has a duty to provide support to and enhance the opportunities for care experienced young people.

7 Consultation

- 7.1 A countywide approach has been taken and consultation has taken place with District Chief Executives. A number of Leicestershire Local Authorities have committed to adopting this approach, with Blaby District Council and Leicestershire County Council recently making positive commitments to treat care experience in this way.

8 Next Steps – Implementation and Communication

- 8.1 This report is being considered alongside our annual Equalities report. If approved, the Corporate Equalities Group will ensure that objectives, equality policies and the equality impact assessment templates are updated to reflect our adoption of this as a protected characteristic. Briefings and awareness to staff will take place and discussion via the staff champions group to support embedding this within teams.
- 8.2 The proposals will also be taken to the Joint Staff Working Group so that necessary amendments can be made to HR policies and procedures.

9 Financial Implications

- 9.1 There are no new financial implications arising directly from this report. The council has already implemented arrangements to provide enhanced support to care leavers through its service delivery arrangements.

Financial Implications reviewed by: Director for Corporate services

10 Legal and Governance Implications

- 10.1 The Equality Act 2010 is intended to eliminate discrimination and specifically references nine protected characteristics for that purpose, including (but not limited to) age, disability, race and religion.
- 10.2 Local authorities must have regard to the corporate parenting principles identified in section 1 of the Children and Social Work Act 2017 in addition to the related duties under The Children Act 1989, when exercising their function in relation to looked after children and care leavers (former and relevant children). The principles apply to the whole range of local authority functions and not just to children's services functions. The Corporate Parenting of Children in Care and Care Leavers extends to all agencies involved in their support. Melton Borough Council is one of these agencies.
- 10.3 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. A similar approach has been taken by OFSTED in relation to its role as inspector of children's services. The Council must ensure that it continues to observe the Act in relation to other protected characteristics and take proper account of them in discharging its duties.
- 10.4 The proposal contained in this report should be reviewed in the event that legislation is introduced to add care experience as a protected characteristic to the Equality Act 2010.
- 10.5 Cabinet [endorsed](#) the Leicestershire Care Leavers Protocol in August 2023.

Legal Implications reviewed by: Monitoring Officer.

11 Equality and Safeguarding Implications

- 11.1 When making any decisions in relation to its policies or formulating its plans, it is proposed that the council recognises that care experienced people are a vulnerable group who face discrimination.
- 11.2 The council recognises that Councils have a duty to put the needs of vulnerable people at the heart of decision-making through co-production and collaboration.
- 11.3 The Council will treat care leavers 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 experience of care, alongside those who legally share a protected characteristic.

12 Data Protection Implications (Mandatory)

12.1 A Data Protection Impact Assessment (DPIA) has not been completed because there are no risks/issues to the rights and freedoms of natural persons.

13 Community Safety Implications

13.1 None arising directly from this report.

14 Environmental and Climate Change Implications

14.1 None arising directly from this report.

15 Risk & Mitigation

15.1 There are no risks associated with this report and with adopting this approach.

Risk No	Risk Description	Likelihood	Impact	Risk
1	There is confusion or a lack of clarity about the Council's approach to equalities as the approach is different to the current legislative framework.	Low	Critical	Medium

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low			1	
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	Embed as part of the council's refreshed ED&I action plan and work of the corporate equalities group to consider / give due regard to care experience as a protected characteristic. Templates for EIA's to be updated to reflect this additional due consideration. Briefings / updates to staff teams via the monthly corporate messenger and staff champions group. Information to stakeholders, including to the next meeting of the Community, Health & Wellbeing Partnership.

16 Background Papers

- 16.1 Cabinet Report, Leicestershire Housing Protocols for Care Leavers and 16/17 year olds
[Committee \(melton.gov.uk\)](http://melton.gov.uk)

17 Appendices

- 17.1 Appendix 1: Leicestershire Care Leavers Protocol