

Report – Community and Children’s Services Committee

Care Experience as a Protected Characteristic

To be presented on Thursday, 11th January 2024

*To the Right Honourable The Lord Mayor, Aldermen and Commons
of the City of London in Common Council assembled.*

SUMMARY

The Independent Review of Social Care published its final report to Government in May 2022: [The Independent Review of Children's Social Care](#) and recommended that the Government should make ‘care experienced’ a protected characteristic. Whilst the Government chose not to implement this, 24 local authorities across the country are adopting the principle within their local authority policy and procedural arrangements.

Evidence is very clear in that care leavers have much poorer outcomes in adult life than their peers. As corporate parents, all City of London Corporation Officers and Members share a collective responsibility to ensure that care experienced children and young people get the support they need to live the happiest and healthiest lives possible.

This report is seeking the approval of a specific City of London Corporation (CoLC) Policy recognising care experienced as a protected characteristic, as set out in Appendix 1 and for the reasons set out in the report. Your Safeguarding and Equality, Diversity and Inclusion Sub Committees, and your Community and Children’s Services and Policy and Resources Committees considered the report in December and recommended it for adoption by this Honourable Court.

Recommendation

Members are asked to recognise care experienced as if it were a protected characteristic where practicable and, in doing so, approve the City of London’s Specific Policy, ‘Care Experienced as a Protected Characteristic’, as set out in Appendix 1.

MAIN REPORT

Background

1. As corporate parents, all City of London Corporation Officers and Members share a collective responsibility to ensure that care experienced children and young people get the support they need to live the happiest and healthiest lives possible. By definition, a care leaver is a young person aged between 18 and 25, who has been looked after (by the CoLC) for more than 13 weeks after their 14th birthday, including some time after their 16th birthday. All CoLC care leavers are entitled to support from the Children Social Care Service up to the age of 25 years.

2. The Independent Review of Children's Social Care, headed by Josh MacAlister published a final report in May 2022 that noted: *'Many care experienced people face discrimination, stigma, and prejudice in their day to day lives. 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. Evidence is very clear in that care leavers have much poorer outcomes in adult life than their peers; i.e. – they are more likely to not be education, employment and training; 25% of the homeless population is estimated to have been in care at some point and 52% of care experienced young people have had a criminal conviction by the age of 24, compared to 30% of young people who have not been in care.
4. The Government chose not to implement this recommendation but 24 local authorities nationally are adopting care experienced as a protected characteristic.
5. The City of London Corporation, alongside the other 32 London local authorities, is also committed to meeting the goals and ambitions of the 'London Care Leaver Compact' ('the Compact') as set out its own Corporate Equalities Objectives. This will include working with partners across the Square Mile to enhance employment and training opportunities for all care leavers. This workstream will align with Destination City's ambitions and improve social mobility opportunities for people who are care experienced.

Current position

6. As of the start of November 2023, the CoLC was supporting 56 care leavers. Of this group; 89% were in employment, education or training, and 96% were in suitable accommodation. In meeting its commitment to the Compact, the CoLC have also made the following concessions for care leavers; Council Tax exemption, free use of Transport for London bus services and priority within the CoLC's Housing Allocations Policy.
7. In 2020, a full Ofsted Inspection judged the experience and progress of 'Children in Care and Care Leavers' in the City of London Corporation to be 'Outstanding'. In 2023, Ofsted introduced a separate judgement on care leavers, in recognition of the unique needs of this cohort of young people. Establishing a specific CoLC Policy will continue to demonstrate our ambition and commitment to delivering outstanding support to our care experienced population.
8. The Policy proposed has been supported by your Community & Children's Services Committee and Policy & Resources Committee. It sets out definitions, objectives, key principles, measures and provisions, implementation and monitoring. This is set out in Appendix 1. It is proposed that oversight of the Policy will sit with the Community & Children's Services Committee.

Corporate & Strategic Implications

9. **Finance and Resource implications:** Having this status should not impact on current funding for people who are care experienced. Implementation of the Policy

would require regular monitoring of impact, in terms of finance and resource, with emerging risks presented to the Community and Children's Services Committee as required.

10. **Legal implications:** The Corporation is entitled to adopt the policy set out in the recommendations. Treating care experienced as if it were a protected characteristic will not directly bring into play the enforcement mechanisms set out in the Equality Act. However, a failure to take account of the Policy where it applies, or departing from it where it is not reasonable to do so, may result in Judicial Review.
11. **Risk implications:** Adopting the policy will reduce the likelihood of care experienced people in the CoLC encountering discrimination because of their lived experience.
12. **Equalities implications:** In discharging the Public Sector Equality Duty under s.149 of the Equality Act, the Corporation will include care experienced in the annual publication of information relating to people who share a protected characteristic in services and employment, thereby having due regard to the need to eliminate discrimination against, and promote equality of opportunity for, care experienced people.

Conclusion

13. Evidence is very clear in that care leavers have much poorer outcomes in adult life than their peers. In adopting this Policy, the City of London Corporation will demonstrate its continued commitment, as corporate parents, by supporting the broader Equality, Diversity & Inclusion agenda, as set out in its Equalities Objectives 2023–2027. It will also demonstrate CoLC's regional commitment to the Care Leaver Compact, its leadership in developing opportunities for all care experienced people in the Square Mile and meet Destination City's ambitions.

All of which we submit to the judgement of this Honourable Court.

DATED this 13th day of December 2023

SIGNED on behalf of the Committee

Ruby Sayed
Chairman, Community and Children's Services Committee

Appendix 1: City of London Corporation **Care Experienced as a Protected Characteristic – Policy** **October 2023**

Introduction

The City of London Corporation (CoLC) recognises that people who are care experienced may face unique challenges as they transition into independence and adulthood. The CoLC is committed to creating an inclusive and supportive environment for people who have been in the care of the CoLC. This policy reflects our commitment to ensuring that people who have been in the care of the CoLC will not be discriminated against because of their status as a care experienced person.

Definitions

Care experienced: An individual who has been in the care of the CoLC, either foster care, residential care, semi-independent provision, or other similar arrangements, and has since reached the age of 18, and is entitled to support until they are 25 years old.

Objectives

To provide CoLC care experienced people with equal access to education, training employment, and accommodation.

To collaborate with relevant agencies, organisations, and stakeholders to ensure that comprehensive and holistic support is available to CoLC care experienced people.

To create a supportive and inclusive environment that promotes the wellbeing and integration of CoLC care experienced people within the community.

Key Principles

Equal Opportunities: CoLC care experienced people shall have access to the same opportunities and rights as their peers, regardless of their care history.

Tailored Support: Services and support shall be tailored to the individual needs of CoLC care experienced people, recognising their unique circumstances.

Collaboration: The CoLC shall collaborate with educational institutions, employers, housing providers, and other relevant organisations, including the Corporation itself, to ensure that a coordinated and effective support network is available for CoLC care experienced people.

Advocacy: The CoLC shall actively advocate for the rights and needs of CoLC care experienced people within its policies and procedures, including acknowledgement by all departments of their understanding and commitment to this policy within their corporate parenting responsibility.

Measures and Provisions

Education and Training: The CoLC to provide opportunities for access to scholarships, bursaries, and mentorship programmes to facilitate access to higher education and skill development for CoLC care experienced people. Prioritise care leavers for work experience opportunities, adult education services and ringfenced apprenticeships.

Employment: The CoLC to collaborate with employers (including internally) to offer opportunities to access internships, job training, apprenticeships and, career guidance to CoLC care experienced people.

Housing: The CoLC to prioritise the opportunity for CoLC care experienced people to access affordable housing and support, which ensures an opportunity for a smooth transition to independent living.

Implementation and Monitoring

The CoLC will regularly assess the effectiveness and impact of this policy through data collection, feedback mechanisms, and stakeholder consultations, reporting back to the relevant CoLC committees on the progress of the implementation.

In the delivery of the Public Sector Equality Duty, the CoLC will include care experience in the publication and review of Equality Objectives.

Future decisions, services and policies made and adopted by the CoLC 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.