

## Corporate Parenting Panel

13 September 2024

### Care Experience – Protected Characteristic



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## Report of Rachel Farnham, Head of Children’s Social Care, Children and Young People’s Services, DCC

### Electoral division(s) affected:

None

### Purpose of the Report

- 1 The purpose of the report is to present the findings of a survey conducted with Children in our Care and Care Leavers and consider a proposed motion to Council to treat care experience as a protected characteristic.

### Executive summary

- 2 Protected Characteristics for Children in Care and Care Leaver was highlighted in the Independent Review of Children’s Social Care 2022. The report highlighted “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”. Whilst the report advocated for a legislative change to the Equality Act 2010, this has not progressed, however councils throughout the England have undertaken work to consider adopting the principles of Protected Characteristics for care experienced young people.
- 3 So far 90 Local Authorities have adopted the Protected Characteristic for care experienced young people within the UK. It has raised awareness about the unique challenges faced by care experienced young people, leading to more empathy and understanding from the public and professionals.
- 4 By recognising care experience as a protected characteristic, there has been a reduction in stigma and discrimination in areas such as housing, education, and employment.

- 5 Local authorities and organisations are now more committed to providing tailored support to care experienced individuals, ensuring they have better access to resources and opportunities driven by the councils commitment and statutory responsibility as Corporate Parents.
- 6 With increased recognition, care experienced young people are finding more opportunities for personal and professional growth, leading to improved stability and quality of life.
- 7 The survey conducted to consider this was undertaken by Investing In Children and Durham County Council. A 19% response was received from the survey with the majority of respondents supporting the need for Durham to recognise the experiences of our care experienced young people and to consider adopting the principles of Protected Characteristics.
- 8 It is recognised that in Durham County Council there is commitment to supporting our young people who are care experienced, including guaranteed interviews in-line with other groups who have legal recourse under equality legislation.
- 9 These findings provide valuable insights that can inform policy decisions and initiatives aimed at supporting care experienced young people. It is crucial as Corporate Parents that the voices are heard and that their experiences are taken into account when shaping policies and practices that affect care experienced young people, and the Council as lead corporate parents drive systemwide change to improve services for care experienced young people.

## **Recommendations**

- 10 Corporate Parenting Panel are recommended to:
  - (a) consider the content of this report; *and*
  - (b) agree that the Corporate Parenting Panel present the motion to Council proposing the adoption of the principles of protected characteristics for care experienced young people.

## **Background**

- 11 The County Durham Children in Care Council became aware of the Independent Care Review, led by Josh MacAlister between July 2021 and May 2022. The review suggested that Local Authorities should consider making care experience a protected characteristic to help prevent care experienced young people from being unfairly treated. Whilst this recommendation is not a statutory requirement, it serves as a guideline to influence and effect change at a local level. Whilst there is no requirement to implement the recommendation, treating care experience as a protected characteristic would help shape Council policies and practices to further support care experienced young people.
- 12 In response to the MacAlister Review, County Durham's Children in Care Council members decided to collect additional ideas and opinions from other young people. To this end they conducted a survey, which was distributed to all care experienced children and young people by all of Durham County Council Children in Care and Care Leaving teams.
- 13 The aim of the survey was to understand what other young people thought of making care experience a protected characteristic and to share these findings with Durham County Council. This is a proactive step towards involving young people in decisions that directly affect them, ensuring their voices are heard and considered in policy-making processes.

## **Methodology**

- 14 Two surveys were completed: one by the Investing in Children (IIC) and one by Durham County Council in partnership with the Experts Through Experience panel. Both surveys posed identical questions to ensure that there was consistency.
- 15 The Durham County Council survey was launched in April 2024 for all care experienced young people aged 16 and over and completed during a four-week period.
- 16 This launch of the on-line survey was communicated by email to colleagues working in in-house residential services, the Fostering Service, the Care Leaving Service, and the Children in our Care Service. County Durham commissioning services also communicated with external residential and Independent Fostering Agencies to ensure that we reached as many young people as possible.
- 17 The survey was either completed independently with a link being sent to the child or their carer, or the child was supported by their worker to

complete the survey either in person or during a telephone conversation.

- 18 The survey asked specific questions in relation to a young person's views of being cared for by Durham County Council and their views on how this impacted on them. There were options to provide additional information within the survey which further ensured that their views are accurately and comprehensively represented.

## Findings

- 19 The key findings from the survey on the experience more generally of our care experienced young people are as follows:
- 20 70% of the participants believe that being care experienced should be a protected characteristic. This suggests a strong sentiment among the majority of participants that their experiences and challenges as care experienced individuals should be recognised and safeguarded.
- 21 Conversely, 9% of the participants do not support the idea of making care experience a protected characteristic. This indicates a minority viewpoint that may stem from various personal beliefs or experiences.
- 22 The young people highlighted that they had experienced challenges with different organisations due to their background. This feedback underscores the need for organisations to better understand and address the unique challenges faced by care experienced young people.
- 23 The charts below indicate the gender and age breakdown of the 90 respondents out of 464 care experienced young people aged 16 to 25 years old within Durham Children's Social Care.

### *Gender Breakdown*

Gender	Number	Percentage
Male	41	46%
Female	46	51%
Non-binary	3	3%

### *Age Breakdown*

<b>Age</b>	<b>Number</b>	<b>Percentage</b>
Under 18s	21	23%
18-24	61	67%
25 or over	6	7%
Prefer not to say	3	3%

- 24 The 90 responses equate to 19% of care experienced young people completing this survey. According to experts, these numbers provide a representative sample to inform a decision.
- 25 It was noted that the vast majority of the respondents were White British. However, as the IIC/CICC's survey did not collect this data, it is not reported within the findings of this report.

### **Survey Questions**

*Do you think being care experienced should be a protected characteristic?*

- 26 70% of the participants believe that being care experienced should be a protected characteristic. This indicates a strong consensus among the participants on this issue.
- 27 9% of the participants did not support the suggestion to make care experience a protected characteristic.
- 28 21% of young people did not give a definite response to the question posed
- 29 These findings highlight the diverse perspectives among care experienced young people on whether their experiences should be recognised and protected. This diversity of opinion is important to consider when making decisions or policies that affect this group.

*Do you think being care experienced means people treat you differently?*

- 30 71% of the young people stated that they felt they were treated negatively due to their care experience. This suggests a significant proportion of care experienced young people perceive a difference in treatment.

- 31 However, 29% of the young people felt they were treated the same as those without care experience.
- 32 These findings further emphasise the varied experiences and perceptions among care experienced young people. It is crucial to consider these diverse perspectives when developing policies or practices aimed at this group, in order to support and create an ethos of help and support that is driven by the council as Corporate Parents.

*Have any of the following treated you differently? (Housing Services, Support Services, Police, Education, Health Services, Social Services, In your community, other)*

- 33 73% responded that they had been treated negatively in Education. Education is the most interacted service, possibly due to its broad reach and impact on individuals from all age groups, from children to adults pursuing higher education or vocational training.
- 34 57.9% felt they had been treated differently in their community. Stigma within the community can significantly impact the quality of interaction with community services.
- 35 42.1% indicated that they had been treated negatively by the Police. Interaction with police services can vary greatly depending on various factors such as location, and accommodation type.
- 36 Housing services may primarily impact those aged 18 and over, as they are typically the ones seeking independent living arrangements. 36.8% of respondents said they had been treated differently, however we must also consider those young people aged 16 -17 who live within supported accommodation, and the impact of discrimination during this fragile period of moving from a care setting.
- 37 Universal Services included any kind of support such as with benefits and money, from a health visitor or early help support. 31.6% said they had been treated negatively.
- 38 26.3% felt that Children's Social Care had treated them negatively and 23.7% said the same of Health Services. It is clear that age plays a significant role in how individuals interact with these services. Younger individuals may have more contact with educational services, while older individuals may interact more with the housing or benefits services. Understanding how we adapt the services provided and tailor them to young people needs at that time will support them as they grow and develop.

*Do you think that being care experienced has created barriers in your life that wouldn't be there for other young people who are not care experienced?*

- 39 61% of the responses highlighted it was their view that being care experienced had created barriers in their life that would not exist for other young people who were not care experienced. This represents a majority consensus among the participants.
- 40 16% of the participants said No indicating a smaller, yet significant, portion of the participants held a different viewpoint.
- 41 23% of the 90 participants were unsure or did not know. This suggests that a certain number of participants might need more information or are uncertain about their stance on the issue.

*How do you feel about telling people that you are care experienced?*

- 42 27% of the responses indicated that the participants were “Not Bothered” by the issue or statement presented in the survey. This suggests a significant portion of the participants may be indifferent or neutral towards the issue.
- 43 73% of young people commented that they felt that their care leavers experience and status did impact their everyday lives and experiences within the community, and accessing services
- 44 This information provides further insight into the range of attitudes and feelings among the care experienced young people who participated in the survey. Understanding this indifference or neutrality is also crucial when considering the impact of decisions or policies on this group, so that we can consider how we provide the right targeted support for our care experienced young people, and the impact that this has, for example which service has got this right, and how do we learn from this?

*What do you think other people (in society) think about care experienced young people?*

- 45 Please see below a visual representation of the words used to describe how participants of the survey believe other people in society think about care experienced young people.





49 Nationally, 90 council have considered and adopted a motion to include Protected Characteristics for Care Experienced Young People. Locally, Darlington, Redcar and Cleveland, Sunderland, Hartlepool and Middlesbrough Councils have all approved a motion.

50 The proposed motion for consideration is recommended to include:

51 *'This council notes:*

- (a) Care experienced people face significant barriers that impact them throughout their lives;
- (b) Despite the resilience of many care experienced people, society too often does not take their needs into account;
- (c) Care experienced people often face discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system;
- (d) Care experienced people may encounter inconsistent support in different geographical areas;
- (e) 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;
- (f) All corporate parents should commit to acting as mentors, hearing the voices of children and young people in our care and to consider their needs in any aspect of council work;
- (g) Councillors should be champions of the children in our care and challenge the negative attitudes and prejudice that exists in all aspects of society;
- (h) The Public Sector Equality Duty requires public bodies, such as councils, to eliminate unlawful discrimination, harassment, and victimisation of people with protected characteristics.'

52 *'This council therefore resolves:*

- (a) That it recognises that care experienced people are a group who are likely to face discrimination;
- (b) That it recognises that Councils have a duty to put the needs of disadvantaged people at the heart of decision-making through co-production and collaboration;
- (c) That future decision, 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.

- (d) That in the delivery of the Public Sector Equality Duty the Council includes care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a protected characteristic in services and employment.
  - (e) That this Council will treat care experience as if it were a Protected Characteristic.
  - (f) To formally call upon all other bodies to treat care experience as a protected characteristic until such time as it may be introduced by legislation.
  - (g) For the council to continue proactively seeking out and listening to the voices of care experienced people when developing new policies based on their views.'
- 53 Should Corporate Parenting Panel be in support of the proposal, it is proposed that the chair/vice chair move the motion on notice on behalf of the Corporate Parenting Panel at Full Council.
- 54 Should a motion be presented to Full Council and be agreed, this would, based on the findings of the survey, demonstrate significant commitment to addressing the inequality of experience by care experienced children and young people in County Durham. This would demonstrate a clear message to firstly the young people but also to the wider partners and community in its recognition of equity for this group of young people.
- 55 In conclusion, the majority of care experienced young people are in favour of Durham County Council adopting the principles of the survey findings. The young people have demonstrated, through their answers, that they have experience of discrimination that impacts on their daily lives. This underpins the importance of such commitments in supporting care experienced young people and highlights the potential benefits of wider adoption. This would also be in line with the recommendations of the Care Review.
- 56 The differing opinions among the young people surveyed demonstrate a wide range of experiences and thoughts on the subject. The survey provides detailed insights into how these young people have been impacted by their care experience. This emphasises the importance of understanding individual experiences and tailoring support services to meet diverse needs. It also highlights the role of Local Authorities in

shaping these experiences, which further emphasises the need for the council's consideration to adopt the Protected Characteristics principles to safeguard and enhance our children and young people both now and in later life.

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## **Appendix 1: Implications**

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### **Legal Implications**

To recognise care experience as a protected characteristic within the Equality Act 2010 would require legislative change. However, the Council can adopt a policy position whereby care experience is considered as if it were a protected characteristic for the purposes of equality impact screening, assessments and decision making.

### **Finance**

There are no financial implications.

### **Consultation and Engagement**

Children in Care participated in this survey.

### **Equality and Diversity / Public Sector Equality Duty**

The service continually seeks to address inequalities and the proposed motion is designed to further support and address equality and diversity for children in our care.

### **Climate Change**

No implications.

### **Human Rights**

The proposed motion is consistent with Article 12 of the United Nations Convention on the Rights of the Child.

### **Crime and Disorder**

No implications.

### **Staffing**

There are no staffing implications.

### **Accommodation**

No additional accommodation is required.

### **Risk**

Safeguarding of all young people will be a priority of the group, which is supported by Children's Social Care Staff. Surveys were confidential and voluntary.

If the motion is adopted, communications will be issued to all staff so that they are aware that care experience should be considered as a protected characteristic. The Equalities team will be consulted with a view to amending the equality impact templates to include care experience as a protected characteristic.

### **Procurement**

No implications.

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## **Appendix 2: Additional Comments Received**

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### **Do you think being care experienced should be a protected characteristic?**

*“Yes because people can judge a person in care for being in care and they can think what have that young person done wrong to be there”*

*“Because I have a care order I cannot change my name until I am 18. Other young people can do this at age 16. Also financially penalised with staying put because I have an apprenticeship. Others get housing benefit”*

*“A lot of young people may use their parents in things such as finding work or helping them financially so it would be good if DCC could do something similar to discourage a lot of unfairness due to not having parents there to help”*

*“Care leavers should be given the skills to be able to deal with adversity, not handed everything, yes we need support but not a protected status”*

### **Do you think being care experienced means people treat you differently?**

*“You feel like you are less than the people around you.”*

*“Some of them treat you different not so much badly but sometimes good in a way.”*

### **Have any of the following treated you differently? (Housing Services, Support Services, Police, Education, Health Services, Social Services, In your community, other)**

*“I don't like people to know that I was in care because they treat you like you are broken and fragile, they feel pity for you. They never treat you like a normal person.”*

*“This makes me feel ashamed of the fact I've been in care.”*

*“It makes me feel like a bad person even when I haven't done anything wrong to them”*

**Do you think that being care experienced has created barriers in your life that wouldn't be there for other young people who are not care experienced?**

*"Because you're always moving and it makes it hard to get to know people and in education."*

*"Having to get permission to do stuff. A lot of paperwork for people to agree"*

*"I got told when I had my boy that being a care leaver was a barrier to have him home"*

*"One of the biggest things is when I fell pregnant my midwife and nurses said because I've been in the system and have a social worker my baby would have a social worker and also there was a high chance I wouldn't be able to keep my baby."*

*"In a way no, my life has become much better after being in care and opened a lot of stuff up to me, however because of that I can't probably compare if it actually has opened up more or if I could've done some things without being in care"*

*"Having to pass everything through social has made me miss out on a lot of events to the point where I've stopped asking because I know the answer will either be no or inconclusive."*

**How do you think that being care experienced will affect your future?**

*"I don't know. Hopefully people will accept that I'm my own person."*

*"Make me stronger"*

*"I don't know Difficult start after leaving care."*

*"I think no matter how old I am I will be judged for a past that wasn't my fault whether that be for work or other things. People don't look at us the same".*

*"I think it has matured me in many ways personally and helped gain communication skills due to being constantly moved and feeling the need to be heard".*

*"I will not allow it to affect my future".*

*"I know I've got support whenever I need it".*

*"My life chances are better because I am in foster care".*

## **How do you feel about telling people that you are care experienced?**

*"I'm not bothered if it's something they need to know about me but if it's something I don't want them to know I will tend to avoid telling them unless it is needed."*

*"It is what it is".*

*"It really depends on who you're speaking to".*

*"I prefer not to say as it's not something that needs to be mentioned".*

*"I do not care".*

*"I Don't tell people unless it is necessary even then it feels awkward to talk about because people don't see care experienced people not as normal people but as naughty children that their parents couldn't look after because of their behaviour but sometimes it not the child's fault."*

*"When I was in school, I didn't tell know one I was scared of people finding out I cried when they did on the fact I knew I'd get bullied over it."*

*"I don't tell people as I don't know how they will react."*

*"Scared It's seen as a bad thing so I don't really like telling people I don't mind if I trust them and know they will judge, but sometimes I lie and talk about my parents and my great family I have at home, which is untrue."*

*"I'm fine with it because most people are really normal about it but some people are so confused by it and it's tiring to explain"*

*".... Growing up I remember being ashamed and looked down/treated differently to other children in school".*