

Treating experience of care as if it were a protected characteristic

Which of the four priority outcomes does your project support?

- ✓ A Brilliant Place to be a Child and Grow Up
- ✓ A Thriving Sustainable Cornwall
- ✓ Vibrant, Safe, Supportive Communities
- ✓ An Empowering and Enterprising Council

Does this project have an impact (positive or negative) on the Convention on the Rights of the Child

Yes

Directorate

131001 - Customer and Support Services

Service

103118 - Innovation & Digital

Name of Officer(s) completing the Assessment

Joanna Sloman

Date

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What are the aims, objectives, outcomes?

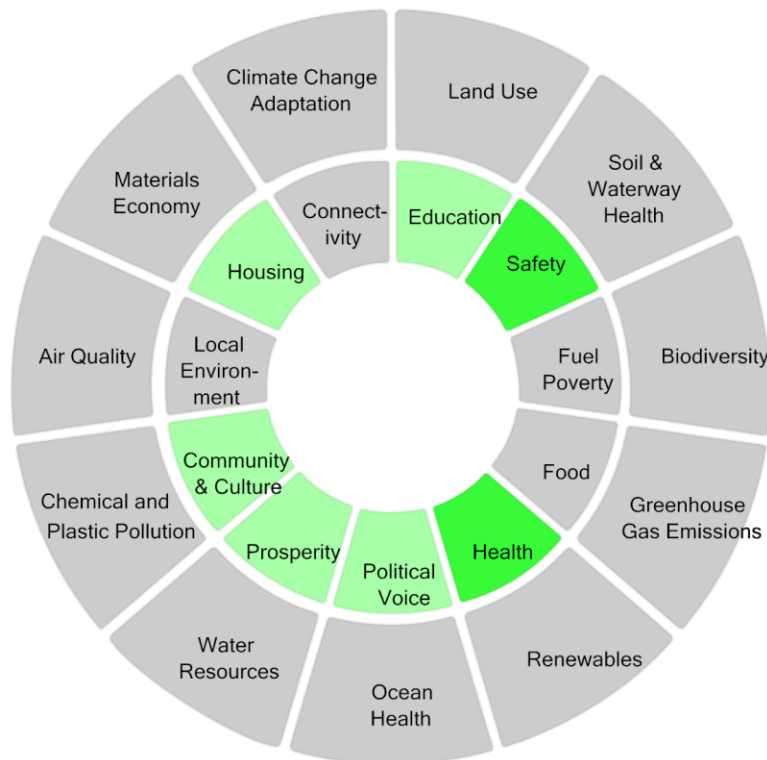
It is proposed that Cabinet agrees to treat care experience as if it were a protected characteristic. If Cabinet agrees the recommendation, it will mean Cornwall Council giving experience of care parity of status with the nine protected characteristics that have protected characteristic status under the Equality Act 2010, in effect treating it as a tenth protected characteristic at a local level. Treating care experience as if it were a protected characteristic would help to address inequalities faced by many people who have spent time in the care of a local authority - in Cornwall or elsewhere - as a child. Evidence shows that people with care experience are more

likely to experience poorer outcomes across a range of outcomes. For example, a University College London (UCL) study showed 70% of care-experienced people die early (<https://www.ucl.ac.uk/epidemiology-health-care/news/2020/may/research-highlights-link-between-childhood-care-and-early-unnatural-death>); 1 in 7 (15%) looked-after children born in the UK in 1993-1994 had received an immediate custodial sentence by the age of 24 years (that is over 10 times the proportion of children who had not been in care) (source: ONS); and over a quarter (26%) of the homeless population in England and Wales has experienced the care system (source: The Independent Review of Children's Social Care). By treating care as if it were a protected characteristic, the Council would include care experience alongside the nine protected characteristics enshrined in the Equality Act 2010, meaning it would consider the impact of decisions on care-experienced people (using the Cornwall Development and Decision Wheel), and seek to consult with care-experienced people in decision-making. This decision would align with the Council's four priority outcomes for Cornwall by helping level up opportunities for care-experienced people and improve outcomes for this group across the life course.

Who implements or delivers the above?

All Council services would be responsible for implementing the decision to treat care experience as a protected characteristic. Following the decision, the Council would deliver communications and awareness-raising with Council staff, and among partners and/or the public about the discrimination care leavers may face, and the implications of the Council's decision to treat care experience as a protected characteristic at local level.

Environmental and Social



Legend

	Long lasting or severe negative impact
	Short term or limited negative impact
	No or neutral impact
	Short term or limited positive impact
	Long lasting or extensive positive impact

Housing Impact Summary

Recognising care experience as a protected characteristic would emphasise the importance of supporting care experienced people in the context of social landlords (including Cornwall Council) allocating homes, using systems such as Homechoice. The Council is already reviewing this issue as part of its review of the Homechoice allocation policy which is being considered by Cabinet in November (i.e. specifically identifying care leavers as Band A - the highest priority band which currently includes exceptional needs, welfare, adapted/ accessible property, and downsizing). Subject to the recommendations of this Cabinet report on treating care experience as a protected characteristic being agreed, the aforementioned review would widen to consider the implications of recognising care experience within the allocation policy, in addition to care leavers.

Education Impact Summary

As a result of a decision to treat care as a protected characteristic, the Council would inform the press and public of its decision. Publicising the decision will educate the public about the reasons for treating care experience as a protected characteristic. The Council would also use its communications to encourage its partners and other organisations to acknowledge and take action to tackle the disadvantage care experienced people may face, and to encourage them to also treat care experience as a protected characteristic. Internally, following the decision, it is proposed that the Council holds an All-Member Briefing during National Care Leavers Week in October with care experienced people. The AMB would give members an opportunity to learn about the experiences of people of diverse ages who may have experience of children's social care in Cornwall or elsewhere, and who are now living in Cornwall. It would provide an opportunity to understand how the Council can best support care experienced people in light of the proposal to treat care as if it was a protected characteristic. The briefing would include testimonies from care experienced people, plus briefings from the Council's Children's Rights service, and partners, who deliver services for care leavers on behalf of the Council. In addition, the Council would provide training for members and officers to help them manage the treatment of care experience as a protected characteristic.

Safety Impact Summary

1 in 7 (15%) looked-after children born in the UK in 1993-1994 had received an immediate custodial sentence by the age of 24 years (that is over 10 times the proportion of children who had not been in care) (source: ONS - <https://www.ons.gov.uk/peoplepopulationandcommunity/educationandchildcare/articles/theeducationbackgroundoflookedafterchildrenwhointeractwiththecriminaljusticesystem/december2022#contact-with-the-criminal-justice-system>). A decision to treat care experience as a protected characteristic could enable the Council and its partners to better take account of and meet the needs of care experienced people in decision-making. For example, offering a guaranteed interview scheme for care experienced people could increase access to employment opportunities for more care experienced people. In turn, this could have a positive impact on care experienced people's vulnerability to crime, or likelihood to commit a crime.

Health Impact Summary

Research shows that children in care are overrepresented in mental health services (compared to the general population) and care experienced people are more likely to die earlier than expected (UCL study). Guidance published by the National Institute for Care Excellence (NICE) in 2021 reports that the majority of looked-after children will have faced major adverse childhood events, with abuse or neglect recorded as the most common reason for becoming looked after (65%). The same NICE guidance observes that "All looked-after children and young people will have experienced trauma in some way." The Council's decision to treat care as a protected

characteristic could influence the Council's work with its partners on the Integrated Care Board (ICB) to explore how care experienced people could be taken into account when shaping health services.

Political Voice Impact Summary

As part of the decision to treat care experience as if it were a protected characteristic, it is expected that the Council would include care experienced people in any consultation it conducts, which would increase political voice for this group.

Prosperity Impact Summary

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: - It is proposed the Council explores opportunities to offer a guaranteed interview scheme for care experienced people. This could increase access to employment opportunities for more care experienced people. - 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.

Community and Culture Impact Summary

A decision to treat care experience as a protected characteristic 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, using the Cornwall Development and Decision Wheel. Considering care experienced groups would mean that all decisions take account of the impact on care experienced people. In turn, this would help improve equality of access to services and social and economic opportunities for the care experienced population in Cornwall, and reduce social isolation among care experienced groups.

Equality and Inclusion



Legend

	Long lasting or severe negative impact
	Short term or limited negative impact
	No or neutral impact
	Short term or limited positive impact
	Long lasting or extensive positive impact

Please give details of the research, consultation and any other evidence you have used to assess and inform the impacts of your project.

In preparing the proposal to treat care as if it were a protected characteristic, officers have engaged with Carefree, an independent organisation that provides personal advice services to care leavers on behalf of the Council. Carefree works with young people aged 11 – 25 years old who are in and leaving care and the organisation supplied evidence in support of treating care as a protected characteristic. Carefree cited the following evidence: "Young people in and leaving care continue to be amongst the most disadvantaged in our society. Most children entering care do so specifically due to neglect and/or other abuse. Young people in and leaving care have missed out on the family base that prepares children to succeed in wider society." "Young people in care are five times less likely to get 'average' GCSE results and are three times more likely to be unemployed at 19 compared to their mainstream peers. Isolation and low confidence can also mean young people are vulnerable to

further abuse, including unhealthy relationships and child sexual exploitation." This evidence suggests that councils are well-placed to take action to reduce discrimination and increase inclusion for the care experienced population. To date, 46 local authorities have passed motions to treat care experience as if it were a protected characteristic (source: <https://twitter.com/TerryGalloway/status/1685629530134683648?s=20>).

Age (particular age or range of ages)

Please describe the likely differential impact on people with different ages, whether positive or negative.

The decision to treat care experience as a protected characteristic would raise awareness of the care experienced population among the Council and its partners. By taking account of the impact that decisions have on this group, and seeking to remove barriers, the decision is expected to have a positive differential impact both on care leavers (eg. those aged between 16-25 years old who are leaving Cornwall Council's care), and care experienced adults of all ages living in Cornwall. The decision would have a positive impact on children's rights under the UN Convention on the Rights of the Child because 'care experienced' people includes children aged 16 and 17 years old who are care leavers. In particular the decision would have a positive impact on the following children's rights: - Article 3 (best interests of the child), by including care experience in the Cornwall Development and Decision Wheel, Members and officers would consider the impact that Council decisions could have on care experienced people; - Article 6 (life, survival and development), by considering the impact that Council decisions could have on care experienced people, decisions would be evaluated in light of how they help children with care experience develop to their potential; - Article 12 (respect for the views of the child), by including care experienced people within the groups to Council consults with; - Article 20 (children unable to live with their family), by strengthening the focus on the Council's work to give care leavers special protection and assistance; - Article 39 (recovery from trauma and reintegration), by putting additional focus on the needs of care experienced people so that they can receive appropriate support to recover from trauma (noting the NICE observation that all looked after children will have experienced trauma; see the Health section of this decision wheel).

What mitigations will be put in place to minimise disproportionate adverse impacts on this group?

N/A

Sex (men, women, intersex and non-binary)

Please describe the likely differential impact on people who are male, female, intersex or non-binary, whether positive or negative.

Council data show that male children are more likely to be in care. Males comprised 54 per cent of looked after children in Cornwall as of 31 March 2019, compared to 51 per cent of the under-18 population as a whole (<https://learning.nspcc.org.uk/media/1622/statistics-briefing-looked-after-children.pdf>). Therefore, positive action to reduce discrimination among care experienced groups is expected to have a positive impact on experienced people who are male.

What mitigations will be put in place to minimise disproportionate adverse impacts on this group?

N/A

Race and Ethnicity (people defined by their race, colour, nationality, ethnicity or national origins including the Cornish).

Please describe the likely differential impact on people from different races and ethnicities, whether positive or negative.

Research from NSPCC shows that children from Black or of mixed ethnicity backgrounds are more likely to be in care. Children in care who are Black comprised 7.6 per cent of looked after children in England in 2019, compared to 5 per cent of children in the population as a whole. Children in care of mixed ethnicity comprised 9.7 per cent of looked after children in England in 2019, compared to 5.2 per cent of children in the population as a whole (<https://learning.nspcc.org.uk/media/1622/statistics-briefing-looked-after-children.pdf>). Therefore, positive action to reduce discrimination among care experienced groups is expected to have a positive impact on care experienced people from Black or mixed ethnic backgrounds.

What mitigations will be put in place to minimise disproportionate adverse impacts on this group?

N/A

Disability (please consider physical, sensory, learning, neurodiversity and mental health)

Please describe the likely differential impact on people with a disability, please think about mental health and physical, sensory and learning disabilities, whether positive or negative.

Research shows that care experienced people are overrepresented in mental health services and they are more likely to die earlier than expected. For example, many children in local authority care may have experienced trauma, and they could benefit from therapeutic services at an early stage. The decision to treat care as a protected characteristic includes the proposal that the Council works with its partners on the Cornwall and Isles of Scilly Integrated Care Board (ICB), requesting that the ICB explores how care experienced people are taken into account when shaping and commissioning health services. This would have a positive impact on health for care experienced people, including those with disabilities.

What mitigations will be put in place to minimise disproportionate adverse impacts on this group?

N/A

Safeguarding - We are all responsible for the safety of children, young people and vulnerable adults and we must ensure that we are doing all we can to protect the most vulnerable members in our society.

Does this proposal have any safeguarding implications which affect members of the community, whether positive or negative?

People with experience of care may be more vulnerable than the general population. Therefore, positive action to treat care experience as if it were a protected characteristic will raise awareness across Council services of the needs and impacts of decisions on this group of residents, helping the Council and its partners improve their work to protect care experienced people.

What mitigations will be put in place to minimise disproportionate adverse impacts on this group?

N/A