

## LONDON BOROUGH OF HAMMERSMITH & FULHAM

**Report to:** Cabinet

**Date:** 05/06/2023

**Subject:** Care Experienced Status as a Protected Characteristic

**Report of:** Councillor Alex Sanderson, Cabinet Member for Children and Education

**Report author:** Amana Gordon, Operation Director of Children & Young People

**Responsible Director** Jacqui McShannon – Strategic Director of Children’s Services

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### SUMMARY

Cabinet is asked to agree that ‘Care Experienced’ is recognised as a protected characteristic by the London Borough of Hammersmith and Fulham (LBHF). This demonstrates our 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.

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### RECOMMENDATIONS

Cabinet is asked to:

Agree to recognise ‘Care Experienced’ as a Protected Characteristic by the London Borough of Hammersmith and Fulham.

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**Wards Affected:** (Give the Wards directly affected, or “None” or “All”)

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<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Values</b>
Building shared prosperity	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.
Creating a compassionate council	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.

Doing things with local residents, not to them	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,
Being ruthlessly financially efficient	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.
Taking pride in H&F	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.

## **Financial Impact**

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

Financial Implications drafted by Tony Burton, Head of Finance Children's Services and Education, 4<sup>th</sup> April 2023.

*Verified by Andre Mark, Head of Finance (Strategic Planning and Investment), 11<sup>th</sup> April 2023.*

## **Legal Implications**

The Council has 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 enable the Council to carry out these duties.

The recognition of care experienced as a protected characteristic by the Council does not create any enforceable rights for those who have this characteristic. It is not at present one of the protected characteristics under the Equality Act 2010, in respect of which discrimination is unlawful.

*John Sharland, Senior solicitor, Contracts and procurement  
Dated 3 April 2023*

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## **Background Papers Used in Preparing This Report**

**None**

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## **DETAILED ANALYSIS**

***Proposals and Analysis of Options***

### **Option 1: Approve ‘Care Experienced’ as a local protected characteristic by London Borough of Hammersmith & Fulham (Recommended)**

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

### **Option 2: Do Not Approve ‘Care Experienced’ as a protected characteristic by London Borough of Hammersmith & Fulham (Not Recommended)**

2. 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 several Local Authorities nationally.

### ***Reasons for Decision***

#### **Context**

3. 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.
4. The Independent Review of Children’s Social Care published the Care Review in May 2022 which included recommendations that the ‘Government should make care experience a protected characteristic’. 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.
5. From a Pan London perspective, the Association of London Directors of Children’s Services (ALDCS) have led on the development of the Pan London Care Leavers Compact. The Compact aims to improve the consistency and quality of local offers available to London’s people with care experience. Department for Education (DFE) funding has enabled work to be undertaken through the London Innovation and Improvement Alliance (LIIA). Support for people with care experience is a priority for ALDCS and further work is planned to strengthen practice through networks such as the London, Local Authority Network for Care Leavers.

#### **Impact**

6. 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.

7. 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 will put the voices, needs, priorities and rights of our young people at the heart of everything we do.
8. By adopting and embedding this principal, LBHF are furthering their support and commitment to all people with care experience (whether living in H&F 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.
9. We already have a substantive local offer for our cared for and care experienced children as outlined in our Local Offer to Care Leavers, including:
  - All our care leavers living in H&F are exempt from Council Tax up to the age of 25,
  - We have a robust social housing offer (quota of 40 Care Leaver nominations per annum) to provide our young adults with a secure tenancy in their first home.
10. 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. We will look at expanding our offer to include:
  - Strengthening our mentoring offer so that all of our young people have access to an adult or peer mentor, advocate and/or coach,
  - Opening a dedicated Hub for our care experienced young people,
  - Paying Council Tax for our care leavers residing outside of borough up to the age of 25,
  - Paying for home contents insurance for the first year of tenancy once our care experienced young people move into their own accommodation.
11. 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.

### ***Equality Implications***

13. 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. An Equalities Impact Assessment (EIA) has been complete.

*Lesley Bell, Head of Programmes CHS Commissioning, 28<sup>th</sup> March 2023*

### ***Risk Management Implications***

12. 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 objective of creating a compassionate council.

*David Hughes, Director of Audit, Fraud, Risk and Insurance, 11 April 2023*

### ***Climate and Ecological Emergency Implications***

13. There are no direct climate and ecological emergency implications to this decision.

*Hinesh Mehta, Head of Climate Change, 03 April 2023*

### ***Human Resource Implications***

14. Subject to the outcome of the recommendations, consideration will need to be given to system/policy changes. The timing of any system changes will need to be managed in accordance with our contractual arrangements and there are likely to be potential cost implications (for example – introducing a new protected characteristic to the IBC functionality is likely to incur development costs and implementation of the changes will need to be factored into the future improvements development timetable).

*Mary Lamont, Assistant Director, People & Talent, April 2023*

### ***Procurement implications***

15. There are no procurement implications for this decision.

## **LIST OF APPENDICES**

### **Appendix 1: EIA Assessment**