

Report to: Corporate Parenting Panel

Date of meeting: 30 January 2025

By: Director of Children's Services

Title: Recognising care experience formally as an 'additional category' in equality considerations.

Purpose: To update the panel on East Sussex County Council's decision to recognise care experience as an 'additional category' in equality considerations and to outline proposed next steps in taking a more coordinated cross-council and partnership approach to supporting those with care experience.

RECOMMENDATIONS

The Corporate Parenting Panel is recommended to:

- 1) **note the update, particularly the establishment of the Care Experience Partnership Working Group; and**
- 2) **agree for a half-day summit to be hosted at County Hall, the purpose of which would be to bring together key stakeholders to agree the key priorities in a wider programme of work to support people with care experience.**

1. Background

1.1 In July 2024 East Sussex County Council agreed to recognise care experience as an 'additional category' in equality considerations, which would include Equality Impact Assessment (EqIA) processes. Care experience will therefore now be recognised formally in the same way that the Council chooses to recognise the needs of carers and those who live rurally when making decisions about services.

1.2 In order to incorporate care experience as an additional category the following actions were agreed:

- Colleagues in Children's Services and Adult Social Care and Health to meet to discuss using existing resource to establish a cross-council and system partnership working group, which can consider current partnership work to support care leavers, as well as identifying additional plans in the context of available resources. The group would meet quarterly and would be chaired by Kathy Marriott and supported by Sally Carnie, Head of Service for Looked After Children. One of the key areas of focus for this partnership group would be increasing engagement with care experienced people and improving access to housing in particular for care leavers. This priority on housing is underpinned by a letter from the Department for Education and the Department for Levelling Up, Housing and Communities which outlines that all local authorities should develop joint housing protocol procedures to ensure collective responsibility from each department in providing corporate parenting support to care experienced young people. The initial meeting of local authority members of this proposed group is scheduled for February 2025.
- Include care experienced young people as a 'priority group' in the Financial Inclusion Partnership Programme.
- Add a prompt about care experience to equality monitoring forms, as with rurality and carers status, where this is possible within current systems without requiring additional funding.

2. Supporting information

2.1 At the time of this report, over 80 local authorities have made a public statement about taking further action to support care experienced people, including Cambridgeshire County Council, Brighton and Hove City Council, Southampton City Council, and Devon County Council. Some local authorities have stated that they recognise care experience 'as a protected characteristic' or 'as if it were a protected characteristic'. The designation 'protected characteristic' has a legal status under the Equality Act 2010 which means that any positive action or preferential treatment can be legally defended. However, it should be noted that the local authority cannot treat someone 'as if' they had additional legal protections when they do not have them in law and, if it were to do so, it could be open to legal challenge.

2.2 Councils that have made a public commitment to care experienced people have taken proactive steps to align with the public sector equality duty in the following ways:

- Including care experience as a category for analysis in Equality Impact Assessments.
- Close working with sixth forms, colleges and apprenticeship providers and employers to provide an incentive for businesses who find employment opportunities for care leavers.
- Most recently, in February, Cambridgeshire County Council received unanimous agreement by full council to give people of any age who are care experienced special status, 'to have their needs considered as part of any changes to Cambridgeshire services or spending decisions'.
- London's Local Authorities are part of a Pan-London Care Leavers Compact; a city-wide support offer for care-experienced people in London. The Compact provides a 'framework for developing consistency, breadth, and quality in support offers', bringing together statutory and voluntary partners together via a Care Leavers Trust Board. Partners who are part of Trust Board have secured, or are near to securing, the following offers for a first version of the Compact:
 - A housing offer, including council tax exemption, rent deposit schemes, international homelessness / priority needs positions, joint housing / children's protocols through London's Local Authorities.
 - 50% reduced travel costs on buses / trams through the Mayor of London / TFL
 - Exemption to prescription charges and education training and employment pilots through London's Integrated Care Boards.

2.3 Information about care experience as an "additional category" will be communicated internally from February 2025; to include information about the needs of people with care experience and any additional actions the local authority will be taking to support people with care experience. The Equality Impact Assessment template has been amended to include care experience. This new EqIA template will be launched as part of the communications plan.

2.5 The corporate communications team and Corporate Equality Manager have advised that external communications would be most impactful once there is more detail about what further work the local authority will be engaging in with key partners to better support people with care experience.

2.6 In 2023 the Children's Commissioner ran a consultation with care experienced people, asking them to share their views on whether care experience should be made a 10th 'protected characteristic' in the Equality Act (2010). Respondents to the consultation expressed a range of views for and against the proposal. The law has yet to change, and Children's Services will advise the relevant local authority boards and panels of any shifts in government policy and/or any new guidance.

3. Conclusion and reasons for recommendations

3.1 Corporate Parenting Panel is recommended to note the update, particularly the establishment of the Care Experience Partnership Working Group.

3.2 Corporate Parenting Panel is recommended to agree to a half-day summit bringing together key internal and external stakeholders to:

- Provide an opportunity for all stakeholders to hear what work is already happening to support care experienced people in East Sussex. This will help to clarify gaps in support.
- Hear the voice of young people with care experience.
- Make a call to action to initiate the work of the partnership working group going forward (pending confirmation that there is capacity and resource for any additional work which arises from it).

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LOCAL MEMBERS

All