

Title of Report	PROTECTED CHARACTERISTICS FOR CARE LEAVERS	
Presented by	Councillor Keith Merrie MBE Infrastructure Portfolio Holder PH Briefed <input checked="" type="checkbox"/>	
Background Papers	The City of Westminster report	Public Report: Yes
		Key Decision: No
Financial Implications	There are no financial implications arising from this report.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	<p>Whilst the Equality Act 2010 does not include care leavers within the legislation, there is nothing legally preventing the Council from affording individuals within this category the same protections and it is not unlawful to do so.</p> <p>However, it should be noted that in case of a conflicting impact between someone with any of the nine legally protected characteristics under the Equality Act 2010 and a care leaver, the statutory nine characteristics would prevail over a care leaver as required by law.</p>	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	No staffing implications	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	The report endorses the proposal that individuals who fall into the category term of a 'care leaver' be afforded the same protections by the Equality Act 2010.	
Reason for Decision	The Council's aim is to move beyond simply fulfilling legal obligations in relation to equalities and its legislation, and to determine where more can be done to continue to fulfil the Council's duties under the Public Sector Equality Duty (PSED) as stipulated by the Equality Act 2010.	
Recommendations	<p>THAT CABINET:</p> <p>1) AGREES TO AFFORD CARE LEAVERS THE SAME PROTECTIONS AS THOSE GROUPS HAVING PROTECTION UNDER THE EQUALITY ACT 2010 INSOFAR AS THE LAW ALLOWS</p>	

	<p>2) DELEGATES AUTHORITY TO THE CHIEF EXECUTIVE, AS HEAD OF PAID SERVICE, TO MAKE ANY NECESSARY CHANGES TO RELATED POLICIES TO RECOGNISE THE ABOVE NON-LEGAL DESIGNATION.</p>
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1.0 BACKGROUND

1.1 In October 2022, a commitment was made by many of the East Midlands Councils to support the Leicestershire Care Leavers Protocol, which supports individuals who have spent time under the care of a Local Authority. North West Leicestershire District Council committed to this protocol. A number of councils have since gone further by affording these individuals the same protections as groups recognised under the Equality Act 2010 albeit on a non-legal basis.

2.0 CARE LEAVER REPORT 2024

2.1 A care leaver is someone under the age of twenty-five who has been looked after by a Local Authority as a child. This report is proposing that individuals who fall into the category term of a ‘care leaver’ be afforded the same protections as other groups recognised by the Equality Act 2010. It is proposed that the Council adopts the term “care leaver” as a non-legal protected characteristic, so that in the future the current disadvantages and negative experiences that some care leavers face can be redressed and mitigated against.

2.2 According to Direct.Gov, a care leaver is an adult who spent time in care as a child (i.e., under the age of 18). Specifically, the legal definition of a care leaver, according to The Children (Leaving Care) Act 2000, is someone who has been in the care of the Local Authority for a period of 13 weeks or more spanning their 16th birthday. This care could have been approved by the state through a court order or on a voluntary basis. It encompasses various forms of care, such as foster care, residential care (including children’s homes), and other arrangements outside the immediate or extended family. The care might have been provided directly by the state (often through local authority social services departments) or by voluntary or private sector organisations. It also includes a wide range of accommodations, such as secure units, approved schools, and other institutions.

2.3 It is widely understood and increasingly researched that when an individual leaves the care system, this entails a lot of change and uncertainty for them. The Council is, therefore, committed to making this process a positive next step in that individual’s life. At present, Section 4 of the Equality Act 2010 provides the legal framework to protect the rights of individuals with the following nine protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy or maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

- 2.4 Local authorities have a unique responsibility to the children they look after and those who leave their care and this is highlighted within the statutory guidance 'Applying corporate parenting principles to looked-after children and care leavers'. The guidance ensures that in two tier authorities, district and county councils work closely together.
- 2.5 For example, although county councils exercise social services functions to this group of young people, district councils (which do not have social service functions) should consider how the principles apply when they are exercising their own functions in relation to looked-after children and care leavers. From this statement it can be assumed that North West Leicestershire District Council has a potential responsibility to care leavers, irrespective of whether the Council has a specific social care function. In this context local authorities can be referred to as being the 'corporate parent' of these children and young people and have a responsibility to act for children and young people as a parent would for their own child. North West Leicestershire District Council has considered the areas of its own responsibility and where it can support and enhance the care leaver experience during interactions with its services.
- 2.6 The Council has already committed to:

Housing:

Offering support and guidance to reduce homelessness, and there is an assurance that care leavers are treated as a priority.

Providing a range of support to help care leavers with their housing needs.

Work and Training:

Supporting care leavers to be able to get into work or training. The Council ensures that any care leaver registered with them at the recruitment stage, is notified of all job vacancies within the Council, and they are offered targeted human resources guidance and support when applying for a role.

Offering work experience placements and apprenticeships within the Council.

Guaranteeing job interviews for care leavers if they meet the minimum requirements for the job.

Sport and Physical Activity:

Providing opportunities within the community for care leavers to be active and working with Everyone Active to ensure that care leavers receive free access to facilities until they are twenty-five. This is applicable to both leisure centres within the district, namely Whitwick and Coalville Leisure Centre, and Hood Park Leisure Centre. The process is commenced by the care leaver team who often refer individuals to the Council's Health and Wellbeing Team, who will then risk stratify and check any barriers to exercise and discuss options with that individual.

Signposting care leavers to Health and Wellbeing programmes to meet their specific needs.

Claiming Benefits:

Offering support to claim the council tax care leaver discount.

Equality Impact Assessment Form (EIA):

Referencing care leavers in the Council's Equality Impact Assessment (EIA) form as a group that should be further considered when completing the form.

- 2.7 The above list outlines the steps the Council is already taking to support care leavers. Below are suggestions of how the Council could go further if care leavers are treated as having a protected characteristic in relation to Housing and other Council policy areas. These changes will be implemented as other policies and procedures are reviewed and updated by Heads of Service.

Work and Training:

Providing more guidance and training to managers as to what further support, they can offer a care leaver.

Sport and physical Activity:

Promoting this policy and the work of the Health and Wellbeing team in their activities and develop offers directed specifically at care leavers, as it is understood that referrals are currently low.

Housing:

The Department for Education 'Preventing Care Leaver Homeless' letter in May 2024 puts an expectation that local authorities will have preventing intentional homeless as an overriding priority for care leavers, given that parental support is absent and therefore homelessness would have far reaching consequences for those leaving care. Therefore, there will be a commitment from the Council to ensure that when joint housing protocols are developed, arrangements will be made for senior leader level sign off, for example Director or Head of Service, from both housing and children's services for any intentional homelessness decisions for care leavers.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report. If further support systems are put in place for care leavers in the future, then these may have some financial implications which would need to be considered at the time.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Communities and housing - A well-run council
Policy Considerations:	That the report and recommendations will need to be communicated in a way that makes it very clear that the Council is treating care leavers as a protected characteristic, however, this protection is not enshrined within the law.
Safeguarding:	None
Equalities/Diversity:	The Equality Act 2010 has been considered as part of this report.
Customer Impact:	N/A
Economic and Social Impact:	N/A
Environment, Climate Change and Zero Carbon:	N/A
Consultation/Community/Tenant Engagement:	Heads of services have been consulted on the impacts of the proposals across the Council.
Risks:	<p>As part of its Corporate Governance arrangements, the Council must ensure that Risk management is considered and satisfactorily covered in any report put before elected Members for a decision or action.</p> <p>The Equality Act 2010 is intended to eliminate discrimination, victimisation, and harassment, and specifically references only nine legally protected characteristics of those groups or individuals that may be most at risk and thus be part of vulnerable groups. At present, the Equality Act 2010 does not include care leavers as a protected characteristic, and therefore there could be some risk that although the Council offers additional support and protections for this group, they may not be afforded those same protections under the law.</p>
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