

REPORT TO: Executive Board

DATE: 11 September 2025

REPORTING OFFICER: Executive Director of Children's Services

PORTFOLIO: Children, Young People & Families

SUBJECT: Care experienced as a 'protected characteristic'

WARD(S) Borough Wide

1.0 PURPOSE OF THE REPORT

- 1.1 To provide background reasons and a recommendation to recognise children in care and care experienced young people as a locally protected characteristic under the Equalities Act to promote lifelong care and protection for this group of young people.
- 1.2 It is aimed to end the discrimination that young people face when presenting to other services and partnerships, as well as to ensure that all policies ensure consideration for this group of young people under a protected characteristic to prevent discrimination.

2.0 RECOMMENDATION: That the Board recommend for Council to recognise 'Care Experienced' as a protected characteristic.

3.0 SUPPORTING INFORMATION

- 3.1 As a Public Authority Halton Borough Council have a legal obligation under the Equality Act 2010 and the Human Rights Act 1998.
- 3.2 The Public Sector Equality Duty (PSED) states that local authorities and those who deliver services on their behalf must, in the exercise of their functions, have due regard (or take proactive measures) to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic
- 3.3 If the recommendation is adopted, all future decisions, services and policies by the council will be assessed through Equality Impact

Assessments to determine the impact on its children in care and care experienced young people.

3.4 Care experienced young people refers to young people living in Halton, who are no longer in care but were looked after by Halton Borough Council.

3.5 **Background:**

3.6 Protected Characteristics for Care Experience – (Care Review May 2022);

3.7 The Independent Review of Children’s Social Care published in May 2022 a final report and recommendations included the following:

- “Government should make care experience a protected characteristic” **and** “New legislation should be passed which broadens corporate parenting responsibilities across a wider set of public bodies and organisations.”
- “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.
- One young person told the review that a teacher had told them “You’re smart - for a kid in care”, another young person said “I don’t want people to point out that I am in care if I don’t want that mentioned. It makes me so cross – that shouldn’t happen.”

3.8 This stigma and discrimination can be explicit and often comes with assumptions about the likely characteristics of children and adults that have care experience. They can also be implicit and are evidenced in the way care experience is discussed in schools, workplaces, and the media.

3.9 At its worst this can lead to care experienced people being refused employment, failing to succeed in education or facing unfair judgements about their ability to parent when they have children and families of their own.

3.10 It is clear that such discrimination can be similar in nature to other groups that have a legally protected characteristic under the Equality Act (2010). So, while there may be ways that society can help reduce stigma and discrimination, including creating greater public consciousness on these issues, just as with other areas of equality, there is a case to go further. Therefore, the government should make care experience a protected characteristic.

3.11 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.

3.12 Care experienced young people face significant barriers that impact them throughout their lives;

- Despite the resilience of many care experienced young people, society too often does not take their needs into account;
- Care experienced young people often face discrimination and stigma across housing, health, education, relationships employment and in the criminal justice system;
- Care experienced young people often face a postcode lottery of support.
- As corporate parents, councillors have a collective responsibility for providing the best possible care and safeguarding for the children who are cared for by us as an authority;
- All corporate parents should commit to acting as mentors, hearing the voices of children in care and care leavers and to consider their needs in any aspect of council work;
- Councillors should be champions of our children in care and care leavers to challenge the negative attitudes and prejudice that exists in all aspects of society.
- The Public Sector Equality Duty requires public bodies, such as councils, to eliminate unlawful discrimination, harassment, and victimisation of people with protected characteristics

3.13 **Conclusion:**

Since July 2022, 32 local authorities in the UK have enshrined 'Care experienced' as a protected characteristic including Sefton, Wigan, Salford and Manchester to offer care experienced young people greater opportunities and protection that any good parent would promote.

3.14 As a local authority and as corporate parents we want to ensure that our young people are able to lead lives similar to their peers, and not be discriminated against because of their care experience. By doing so, we can build the foundations for them to thrive, feel safe,

achieve and have successful, happy lives; those feelings and desires we would adopt for our own children must be the same hopes we have and endorse for the children in our care.

- 3.15 As part of the protected characteristic, it is important that this means something to the young people and that as a local authority we ensure that this is at the forefront of policy and decision making moving forward. Our young people need to be included in policy processes and that we continue to ensure we listen to their experiences not only to pave better ways for services in the future, but so they know that they are cared for and valued.
- 3.16 By ensuring that 'care experience' is endorsed as a protected characteristic will enable us to start to end the discrimination young people may face, and support better policies and safeguards as cooperate parents to prevent their lives being affected by simply having been in care.

What impact will this proposal have?

- 3.17 By including care experience as a protected characteristic, the council demonstrates a commitment to addressing the inequalities and barriers faced by this marginalised group. It ensures that care experienced individuals are afforded the same rights, opportunities, and access to services as other protected groups.
- 3.18 This recognition not only promotes fairness and social justice but also encourages greater inclusivity within the council. It creates a platform for care experienced individuals to have their voices heard, their experiences valued, and to support their needs being met.
- 3.19 Adoption of care experience as a locally protected characteristic will augment the existing statutory Corporate Parenting principles followed by the Council and set out in section 1 of the Social Work Act 2017;
- to act in the best interests, and promote the physical and mental health and wellbeing, of children and young people
 - to encourage children and young people to express their views, wishes and feelings
 - to take into account the views, wishes and feelings of children and young people
 - to help children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners

- to promote high aspirations, and seek to secure the best outcomes, for children and young people
- for children and young people to be safe, and for stability in their home lives, relationships and education or work; and
- to prepare children and young people for adulthood and independent living.

3.20 The proposal will address the disparity and disproportionality faced by those with care experience in relation to health, education, housing, employment, and criminality amongst other indicators, by ensuring that the views and needs of care experienced people are taken into consideration by Council services when changes to services and policy are made, with the aim of improving the life chances, and thereby the health and wellbeing, of those individuals.

3.21 If agreed services and policies by the council can be assessed through Equality Impact Assessments to determine the impact on its children in care and care experienced young people.

3.22 Halton Borough Council will commit to the following as part of the proposal:

- To formally call upon all other bodies to treat care experience as a protected characteristic until such time as it may be introduced into legislation;
- To commit to continue to proactively seek out and listening to the voices and experiences of care experienced young people when developing policies, based on their views;
- Continue to recognise that care experienced young people are a group that are likely to face discrimination.

3.23 Approval of these recommendations 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.

4.0 POLICY IMPLICATIONS

4.1 If this approach is adopted policy review will be required to ensure consideration of this group of young people under a protected characteristic to prevent discrimination is embedded across the Council.

5.0 FINANCIAL IMPLICATIONS

- 5.1 Additional funding may be required to provide enhanced support, training, and resources for care-experienced individuals. There could also be increased demand for services, requiring a review of budgets and potential external funding opportunities.

6.0 IMPLICATIONS FOR THE COUNCIL'S

6.1 Improving Health, Promoting Wellbeing and Supporting Greater Independence

Care-experienced individuals are at higher risk of poor mental and physical health. Implementing this change would enable more proactive support, ensuring access to healthcare, mental health services, and community-based interventions.

6.2 Building a Strong, Sustainable Local Economy

Supporting care-experienced young people into education, training, and employment contributes to economic growth and reduces long-term dependency on public services.

6.3 Supporting Children, Young People and Families

Ensuring care-experienced individuals have lifelong support will improve their life outcomes, strengthen family stability, and create a fairer system for future generations.

6.4 Tackling Inequality and Helping Those Who Are Most In Need

This recognition would help address systemic barriers faced by care-experienced people, improving access to education, employment, and housing. It would also strengthen the council's commitment to social justice and inclusion.

6.5 Working Towards a Greener Future

N/A

6.6 Valuing and Appreciating Halton and Our Community

By formally recognizing care-experienced individuals, the council reinforces its commitment to inclusivity, fostering a sense of belonging and respect within the local community.

7.0 Risk Analysis

- 7.1 The council must ensure compliance with equality legislation and avoid potential legal challenges if protections are not effectively implemented. Policies and procedures would need to be reviewed and updated to reflect this change.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 Care-experienced individuals often face lifelong disadvantages similar to those protected under existing equality laws. Recognizing them as a protected group ensures their unique challenges are formally addressed.
- 8.2 Intersectionality: Many care-experienced individuals belong to other marginalized groups (e.g., those with disabilities, from ethnic minorities, or the LGBTQ+ community). A targeted approach would help address multiple layers of inequality.
- 8.3 Embedding Inclusion in Council Services: From recruitment practices to social care policies, the council must ensure care-experienced people have equal access to opportunities and are not further disadvantaged by systemic barriers.
- 8.4 Implementing this protection would demonstrate the council's commitment to fairness, inclusion, and social responsibility, ensuring better outcomes for care-experienced individuals while strengthening the wider community.

9.0 CLIMATE CHANGE IMPLICATIONS

- 9.1 **None identified.**

10.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

'None under the meaning of the Act.'