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Agenda

Notice of a public meeting of the

Children and Families Overview and Scrutiny Committee

To: Councillors Barbara Brodigan (Chair), Alyson Baker,

> Stephanie Duckett, Caroline Goodrick (Vice-Chair), Nathan Hull, David Jeffels, Janet Jefferson, Tom Jones,

Cliff Lunn, John Mann, Andrew Murday,

Andy Paraskos, Yvonne Peacock, Kirsty Poskitt, John Ritchie, Monika Slater, Tom Cavell-Taylor, Emma Higgins, Stephen Jennings, Anna Kirkham, Yvonne Methley, David Sharp, Ross Strachan and

David Watson.

Wednesday, 29 January 2025 Date:

Time: 10.00 am

The Grand, County Hall, Northallerton, DL7 8AD Venue:

PLEASE NOTE:

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ask that any recording is clearly visible to anyone at the meeting and that it is nondisruptive.

Business

- 1. Welcome by the Chair
- 2. Apologies for Absence
- 3. Minutes of the Meeting held on 6 December 2024

(Pages 5 - 10)

4. Declarations of Interest

5. Public Participation

Members of the public may ask questions or make statements at this meeting if they have given notice (to include the text of the question/statement) to Alice Fox, Senior Scrutiny Officer (contact details below) no later than midday on Friday 24 January three working days before the day of the meeting. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chair who will instruct anyone who may be taking a recording to cease while you speak.

6. Chair's remarks

Any correspondence, communication or other business brought forward by the direction of the Chair of the Committee.

7. Care Experience as a Protected Characteristic Task and Finish (Pages 11 - 34) Group Report

8. Work Programme

(Pages 35 - 36)

9. Any Other Items

Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

10. Date of Next Meeting

Wednesday 19 March 2025 at 10am

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Contact details

For enquiries relating to this agenda please contact Alice Fox, Senior Scrutiny Officer. Tel: 07712 539012 or email <u>alice.fox@northyorks.gov.uk</u>

Website: www.northyorks.gov.uk

Assistant Chief Executive (Legal and Democratic Services)

County Hall Northallerton

Tuesday, 21 January 2025



North Yorkshire Council

Children and Families Overview and Scrutiny Committee

Minutes of the meeting held on Friday, 6 December 2024 commencing at 10.00 am.

Councillor Barbara Brodigan in the Chair plus Councillors Caroline Goodrick (Vice-Chair), Alyson Baker, Stephanie Duckett, Nathan Hull, David Jeffels, Janet Jefferson (via Teams), Andrew Murday, Andy Paraskos (via Teams), Yvonne Peacock, Kirsty Poskitt (via Teams), John Ritchie, Karin Sedgwick (substitute for Councillor Lunn), Moniker Slater.

Co-opted Members: Dr Tom Cavell-Taylor (Parent Governor Representative), Stephen Jennings (Primary Teacher Representative, via Teams)), Yvonne Methley (Church of England Representative, via Teams), David Sharp (Voluntary and Community Sector Representative), Ross Strachan (Secondary Teacher Representative, via Teams), David Watson (Voluntary and Community Sector Representative).

Officers: (Children and Young People's Service, unless stated): Stuart Carlton, Corporate Director, Chris Reynolds, Head of SEND Strategic Planning Resources, Emma Phillips, Head of Safeguarding Partnerships, Alice Fox, Senior Scrutiny Officer Legal and Democratic Services.

Other Attendees: PC Stephen Armitage, Elected Officials Advisor Police Officer for York and North Yorkshire, Heather Pearson, Chair of North Yorkshire Safeguarding Children Partnership and Independent Scrutineer, Councillor Janet Sanderson (Executive Member for Children and Families, via Teams), Annabel Wilkinson (Executive Member for Education and Skills, via Teams).

Apologies: Councillors Cliff Lunn and John Mann.

Copies of all documents considered are in the Minute Book

37 Welcome by the Chair

The Chair welcomed everyone to the meeting. She introduced PC Stephen Armitage who is the recently appointed Elected Officials Advisor Police Officer for York and North Yorkshire. PC Armitage explained to the committee that his role is to liaise with elected members on all issues concerning their safety and security.

38 Apologies for Absence

Apologies for absence were received from Councillors Cliff Lunn and John Mann. Councillor Karin Sedgwick attended as substitute member for Councillor Lunn.

39 Minutes of the Meeting held on 4 October 2024

The Chair informed the committee that at the last meeting, Anita Dobson, Chair of the Child Death Overview Panel (CDOP) said she would circulate the definition of modifiable factors. This has now been sent to members, but just to re-cap – the definition is: 'those, where, if actions could be taken through national or local interventions, the risk of future child deaths could be reduced'. When the panel reviews the death of a child they identify and agree if

there are any modifiable factors that may have prevented the death. Although, it is not usually within the remit of CDOP to take action directly, they ensure that any issues identified, learning points and recommendations are assigned to relevant agencies to enable them to take action as appropriate. All actions are monitored via an action log until the panel are assured that the necessary action has been completed.

Members also asked Cerys Townend, Head of Alternative Provision, to provide information of how many Gypsy Roma Travellers are being supported by the Council. Cerys has confirmed that out of 1214 Elective Home Education children, 82 are Gypsy Roma Traveller Children and Young People.

Resolved

That, the Minutes of the meeting held on 4 October 2025 be confirmed and signed by the Chair as a correct record.

40 Declarations of Interest

There were no declarations of interest.

41 Public Participation

It was confirmed that no public questions or statements had been received.

42 Chair's Remarks

The Chair attended the Executive on 19 November 2024 where the Quarter 2 Performance and Budget Monitoring Report was presented. The Chair asked the following question to Councillor Janet Sanderson, Executive Member for Children and Families:

The number of Looked After Children (LAC) has seen an increase of 12% compared to Quarter 2, 2023 and is now at the highest level ever recorded. A recent government report expressed concerns about the number of LAC being placed more than 20 miles from their home. What is the position in North Yorkshire? How many LAC are placed more than 20 miles from home and what is the financial impact on the provision of home to school transport?

Response

64% of LAC are placed within 20 miles of their home, with currently 349 children in foster care. Sometimes, children need to be placed more than 20 miles from home for safeguarding reasons. Sometimes, there is no choice due to the availability of fewer foster carers as the service is at 100% capacity. It should be noted that the vast majority of LAC are placed within North Yorkshire. The 20 mile "limit" is always a challenge because North Yorkshire is a large county. There is an impact on the home to school transport budget because children do not want to move school.

The Chair also attended the first Care Experience Task and Finish Group meeting on 25 November 2024. Two more meetings are planned, with the final report with recommendations to be completed and ready for discussion by Children and Families Overview and Scrutiny Committee on 29 January 2025.

43 Special Educational Needs and Disability (SEND) Provision in the Scarborough and Whitby Area Update

Considered

A presentation by Chris Reynolds, Head of SEND Strategic Planning and Resource.

Chris gave a summary of the presentation that had been included in the agenda papers. Members of the committee had a number of comments and questions:

What is the overall aim of introducing Targeted Mainstream Provision (TMPs) across the county? Will children access TMP on a short term or long-term basis?

The benefit of having TMPs within a mainstream setting is that more children will be able to stay in education within their local community, therefore being able to stay in contact with their friends and support networks. From January 2025, there will be 13 TMPs across the county and the aim is to be able to offer TMP provision in every locality area. It is anticipated that over the next few years, there will be a significant national SEND reform and a bigger push towards provision in local schools.

The length of time that children will access TMP will depend on their individual circumstances. For some children, it will be a short-term intervention and they will return to their school. For others, long-term need may be set out in their Education Health and Care Plan (EHCP). The TMP model allows both short-term and long-term provision. Home to school travel assistance will be assessed against the council's eligibility criteria. It is anticipated that savings will be made if there are more TMPs because children won't have to travel so far.

Is SEND provision different for post 16-year-olds?

The council's children and young people's SEND provision is from 0-25 years, and they work closely with post 16 years education providers when developing pathways for young people.

How many schools in Scarborough are close to becoming a TMP? Can the Scarborough and Whitby Area Committee receive an update?

Feasibility studies have been completed to provide 2 TMPs, and the council is in the early stages of looking at a further 3. There is also the Woodlands Academy new build, which, due to constraints by the Department of Education, was restricted to a new build and not an expansion. Once governing bodies are in place, updates can be provided to the Area Committee.

In other parts of the country, TMP includes nurseries. Why is this not happening in North Yorkshire?

Early Years children can sometimes be wrongly labelled as having special educational needs when they are very young. North Yorkshire is considering specialist schools post nursery age, but there are clear capital funding implications.

How are children with SEND supported when transitioning from primary to secondary?

It can be challenging for children with SEND moving from primary to secondary school and some require more support. Link officers work with schools and review what provision can be put in place to ease the move.

How has the task and finish group helped to influence the SEND work across the service?

Stuart Carlton, Corporate Director of Children and Young People's Service, explained that the task and finish group's report helped to sense-check the work that the council is already doing and its future planning. Everyone agreed that all scrutiny is helpful. He also informed the committee that the service is well connected to national reforms and has contributed to a Local Government Association report of how the council supports young people with SEND. He added that the recent SEND Inspection of the service was fair.

Councillor Ritchie thanked Chris for the detailed update.

Resolved

That, the presentation is noted.

44 Special Educational Needs and Disability (SEND) Employment Forum

Considered

A presentation by Chris Reynolds, Head of SEND Strategic Planning and Resource.

Chris gave a summary of the presentation that had been included in the agenda papers. Members of the committee had a number of comments and questions:

All young people could benefit from an employment forum, not just those with special educational needs. Does the council look at wider barriers such as access to reliable and efficient transport routes?

Stuart agreed but stressed that we need to be realistic in what we can deliver. There is cross council working to provide support for all residents.

David Sharp added that Hambleton Community Action manages a Wheels to Work project which can assist residents.

Is the Council targeting specific employers such as local sports clubs, to provide volunteering opportunities? Many groups are keen to be involved with their communities.

The employment forum engages with a diverse group of employers and learning providers and have developed a network of local businesses. The young people will all have a profile which details their interests so that the best match can be made.

As a parent, it can be a challenge trying to find out which employers will provide work placements / jobs for SEND young people.

There is a list of employers and internships in the Local Plan. When a young person has their annual review, their interests and requirements will be fed back to the internship team.

What are the implications for when the Internships Work Grant Funding expires in March 2025?

The SEND Employment Forum will continue working in the same way. The majority of the grant was used to fund publicity materials.

Resolved

That, the presentation is noted.

45 North Yorkshire Safeguarding Children Partnership Annual Report 2023/2024

Considered

A presentation by Heather Pearson, Chair of North Yorkshire Safeguarding Children Partnership.

Heather gave a summary of the report and presentation that had been included in the agenda papers. She thanked the partners for their contribution to the annual report. Members of the committee had a number of comments and questions:

88% of 2 to 4 year-olds are achieving the expected level of development – how does this compare to national figures?

North Yorkshire is above the national average.

Members expressed concern, especially around safeguarding, about the high number of children being elected home educated (EHE).

The council has a register of EHE children. The new Health and Wellbeing Bill for Children will give local authorities more power to insist that children with a child protection plan or children in need attend school.

Is there a breakdown of families choosing to home educate due to the children being SEND, and home education is considered as the only option?

There are a number of children with an EHCP who's families have chosen to home educate, but it should be noted that families choose to home educate for a number of reasons, and not just due to their children having special educational needs.

There has been an 11% increase on the previous year of contacts to the Multi-Agency Screening Team (MAST) – do you think this trend will continue and if so, what provision do you have planned, such as recruiting additional staff?

It is anticipated that the figure will level out, and the council is committed to having the appropriate number of officers so that their workload is manageable. Social work is always difficult to recruit to, but North Yorkshire Council do better than other local authorities.

Members have concerns about the provision and long waiting lists to access Child and Adolescent Mental Health Services (CAMHS).

The Integrated Care Board is responsible for commissioning CAMHS services, not the council. CAMHS have previously attended a Children and Families Overview and Scrutiny Committee meeting, and members may wish to consider inviting them again.

At what stage do schools decide to exclude a pupil?

The individual school, their governing body and trustees manage exclusions. The changes in national guidance and reporting systems will help the council gain a better understanding of the schools' exclusion process and allow them to challenge if necessary.

The report outlines the priorities for 2024/2025. Will the council be looking at banning smartphones in schools?

It is important to look at the evidence and key findings coming out of smartphone ban initiatives and learn from these before making a decision.

Regarding criminal and sexual exploitation, a Multi-Agency Child Exploitation (MACE) review of MACE arrangements is currently underway. A one-page guide was distributed at the last Designated Safeguarding Lead Conference, the aim is to upskill professionals to be able to have discussions with parents/carers and young people around issues such as smartphone safety.

It was noted that the voluntary sector also does a lot of work to safeguard children, for example, training is provided to staff working on the FEAST programme. A campaign in partnership with the voluntary, social and community enterprise sector produced key safeguarding messages, including QR codes to access further information.

It is shocking to hear that as 80% of young people are thriving, this means that 20% are not thriving.

It should be noted that this statistic is taken from just one single stream of information, taken at one moment in time. Another piece of research could produce different statistics.

Resolved

- a) That, the report and presentation are noted.
- b) That, the committee receives another annual update next year.

46 Work Programme

Considered

The Chair asked the committee to contact Alice Fox with suggestions for agenda items to consider for the 2025/2026 workplan.

Resolved

- a) That, the work programme be noted.
- b) That, committee members to contact Alice Fox with items to consider for the 2025/2026 workplan.

47 Any Other Items

The Chair advised that she had no other items of business to raise.

48 Date of Next Meeting

Wednesday 29 January 2025, County Hall in Northallerton, commencing at 10.00am.

ΑF

The meeting concluded at 12.45 pm

North Yorkshire Council

Children and Families Overview and Scrutiny Committee

Wednesday 29 January 2025

Report from the Care Experience Task and Finish Group in response to Motion of Full Council – Motion to Treat Care Experience as a Protected Characteristic

Report of the Assistant Chief Executive Legal and Democratic Services

1.0 PURPOSE OF REPORT

- 1.1 To update the Children and Families Overview and Scrutiny Committee on the key findings of the Care Experience Task and Finish Group as agreed by the committee at their meeting on 4 October 2024.
- 1.2 For the committee to note the key findings and recommendations from the Task and Finish Group, and for it to help inform their decision on the Notice of Motion that was referred to Full Council on May 2024, which was to formally recognise care experience as a protected characteristic.
- 1.3 For the committee to make their recommendation to Full Council on 26 February 2025.

2.0 SUMMARY

- 2.1 This report provides an outline of the Notice of Motion to formally recognise care experience as a protected characteristic, proposed and seconded at Full Council on 15 May 2024 (Appendix 1), and referred to Scrutiny Board on 24 May 2024. The Scrutiny Board agreed to refer it to the Children and Families Overview and Scrutiny Committee on 21 June 2024.
- 2.2 The Children and Families Overview and Scrutiny Committee asked the Corporate Parenting Group to lead on a consultation with care leavers on their behalf. The findings were presented to the Overview and Scrutiny Committee on 24 October 2024 (Appendix 2).
- 2.3 After noting the findings, the committee agreed that they required more information before they were able to make a recommendation to Full Council. They requested that a cross-directorate task and finish group be established to consider the implications of adopting care experience as a protected characteristic. The report of the Task and Finish Group can be found at Appendix 3.

3.0 BACKGROUND

- 3.1 At the Full Council meeting on 15 May 2024, a Notice of Motion was made for North Yorkshire Council to join over sixty other local Councils by treating care experience as if it is a protected characteristic. The Motion was moved and seconded and referred to Scrutiny Board.
- 3.2 At the Scrutiny Board meeting on 24 May 2024, Members agreed to refer the Motion to Children and Families Overview and Scrutiny Committee.

- 3.3 The Overview and Scrutiny Committee met on 21 June 2024 and agreed that consultation with care leavers and care experienced young people was paramount before a recommendation could be made to Full Council. It was agreed that the Corporate Parenting Members' Group would be best placed to carry out this engagement, given that all of the members have specialist children and young people knowledge and have close working relationships with the Children and Young People's Directorate. Between July and August 2024, the Leaving Care Service held a consultation workshop with 11 care leavers (Appendix 2).
- 3.5 The report was presented to the Overview and Scrutiny Committee on 24 October 2024. After noting the report and hearing first-hand experience of being a care leaver from the Development Lead Child Permanence Officer, the committee agreed that they needed further information before they could make a recommendation to Full Council. They supported the recommendation of establishing a cross-directorate task and finish group to consider the implications of adopting care experience as a protected characteristic.
- 3.6 The task and finish group was led by Children's Services and met 3 times between November 2024 and January 2025. Officers from the following services attended:
 - Children and Families
 - Human Resources
 - Culture and Leisure
 - Housing Services
 - Strategy and Performance
 - Democratic and Legal Services
 - Representatives from the Health Determinants Research Collaboration (HDRC)

Councillors invited to attend were Councillors Brodigan and Goodrick (Chair and Vice-Chair of Children and Families Overview and Scrutiny Committee), Councillor Baker (Young People's Champion) and Councillor Andrew Timothy (Proposer of the Motion).

Discussions focussed on current practices of each service and heard feed-back from care experienced individuals and other stakeholders. It was noted that nearly 100 local authorities have adopted care experience as a protected characteristic, but few have demonstrated how they are using it effectively.

The task and finish group were pleased to hear that North Yorkshire Council is already doing lots of effective work to support care experienced individuals, and in some cases, they are already being treated as a protective characteristic. An example is a guaranteed interview if they meet the minimum requirements. The group looked at the stigma behind an individual openly declaring themselves to be from a care experience background, and it is a personal choice of whether to disclose. They also heard about further engagement that Children's Services had been conducted with care experienced individuals, which concluded that there was still strong support for recognising care experience as a protected characteristic.

The report of the task and finish group can be found at Appendix 3.

4.0 KEY ISSUES CONSIDERED BY THE TASK AND FINISH GROUP

4.1 It is clear that people coming from a care experience background encounter a number of barriers and discrimination compared to their peers. Consultation with care experienced individuals has concluded that they would welcome the Council formally recognising them as a protected characteristic.

- 4.2 There is already a lot of successful and effective work happening across directorates to support care experienced individuals. These offers are designed to help care leavers transition into adulthood and independence and are part of the Council's commitment to supporting those with care experience and helping them succeed.
- 4.3 Some directorates are restricted by both time and know-how. The task and finish group gave the Children and Young People's Service the opportunity to speak to other services about care experienced individuals and the experiences and barriers they encounter. They were also able to share good practice.
- 4.3 Treating care experience as a protected characteristic would affect some directorates more than others. Naturally, there is already a very strong offer from Children and Young People's Service. If the Council decided to formally adopt the new policy, it should bring meaningful change and benefits to the individual.
- 4.4 The LGA Children's Board has recently announced that they are looking at recognising care experience as a protected characteristic on a national level. If the Council formally adopts the policy before it is embedded in national legislation, it will promote our reputation as a leading, bold and innovative local authority. Working closely with the Council's new Health Determinants Research Collaboration is an opportunity to carry our valuable research around the care experience.
- 4.5 Given the Council's current economic position, it is important to consider and be able to justify the potential additional resource and financial implications if the policy was to be implemented. It will be up to each directorate to look at how they would need to adjust.

5.0 CONTRIBUTION TO COUNCIL PRIORITIES

5.1 Formally recognising care experience as a protected characteristic supports the Council Plan priority themes of:

Health and Well-Being

- Young care leavers are supported by all directorates to have a good quality of life.
- Reduces inequality.

Organisation

A well-led and forward-thinking Council.

6.0 OPTIONS CONSIDERED

6.1 Taking account of the information within this report, the options available to the Committee are:

Agree the Motion

Agree no further information is required and agree a recommendation to go to the next meeting of Full Council on 26 February 2025.

Not uphold the Motion

Agree no further information is required and that the Motion is not progressed. Recognise the complexities and demands of the Motion upon Council resources.

Not uphold the Motion and agree an alternative way forward

Examine an alternative approach within the context of current capacity, financial climate and cross-cutting strategic priorities.

7.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

7.1 The policy to recognise care experience as a protected characteristic would have an impact across the Council, as outlined in Appendix 3.

8.0 FINANCIAL IMPLICATIONS

8.1 There are likely to be some financial implications, for example, compassionate leave to include Previous Foster Carers. Each directorate would be responsible for their reasonable adjustments, taking into consideration their own budgets.

9.0 LEGAL IMPLICATIONS

9.1 The Council will ensure that statutory guidance is followed if implementing the policy.

10.0 EQUALITIES IMPLICATIONS

10.1 The Directorate has considered equality, most notably young people, and an equalities impact assessment will be updated as necessary before a decision is made.

11.0 CLIMATE CHANGE IMPLICATIONS

11.1 Not relevant.

12.0 PERFORMANCE IMPLICATIONS

12.1 Each directorate will be responsible for measuring their own performance and reporting mechanisms.

13.0 POLICY IMPLICATIONS

13.1 Existing policies relating to equality and protected characteristics would be updated.

14.0 HUMAN RESOURCES IMPLICATIONS

14.1 HR already have systems in place on our job application forms to record those who are care leavers. Recording Council employees who are care experience would not create any significant additional work.

15.0 ICT IMPLICATIONS

15.1 Some directorates may need to adapt existing IT systems.

16.0 RECOMMENDATIONS

16.1 RECOMMENDATION(S)

For Children and Families Overview and Scrutiny Committee to:

- i) Note the points raised in the Care Experience Task and Finish Group Report.
- ii) Note the recommendations made in the Care Experience Task and Finish Group Report.

iii) Consider the Notice of Motion that was referred to Scrutiny Board by Full Council at their meeting of 15 May 2024 and make a recommendation to the meeting of Full Council to consider at their meeting on 26 February 2025.

APPENDICES:

Appendix 1 - Notice of Motion proposed and seconded at Full Council on 15 May 2024

Appendix 2 – Treating Care Experience as a Protected Characteristic Report

Appendix 3 – Care Experience Task and Finish Group Report

Barry Khan Assistant Chief Executive, Legal and Democratic Services County Hall Northallerton

Report Author - Alice Fox, Senior Scrutiny Officer

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.



Care Leavers Notice of Motion – 15 May 2024 Full Council

Young people leaving social care are already in a vulnerable situation, and they are often subject to discrimination when attempting to get a job or find a place to live. Indeed, some housing providers directly stipulate "no care leavers".

The effect of this discrimination is to push these young people, who are already vulnerable, into hostels and shelters where they are easy targets for exploitation and victimisation by criminal gangs.

We call on this council to join over sixty other local councils in the UK by treating care experience as if it is a protected characteristic by:

- Ensuring that during development of future policy and service provision, impact on those who have had care experience is considered alongside impact on those with other protected characteristics.
- Including care leavers and children in care in its equality objectives and reports, alongside those with other protected characteristics.
- Proactively seeking out and listening to people who have experience of care, especially when considering decisions which affect them.
- Formally calling on central government to add care experience as a protected characteristic in the Equality Act, as recommended by the 2022 Independent Review of Children's Social Care.
- Formally calling on other bodies, such as academy trusts, housing providers, and the new combined authority to treat care experience as if it is a protected characteristic in similar ways.

Proposed Cllr Andrew Timothy Seconded Cllr Chris Aldred





Treating Care Experience as a Protected Characteristic

Initial Report

Maggie Allen, Jonny Hoyle, Nicki Watkinson

Introduction

In 2022, The Independent Review of Children's Social Care recommended that Care Experience should become a protected characteristic as an addition to the protected characteristics already defined by the Equality Act 2010.

In its response, the government declined to take this forward, saying that it was concerned that by doing so it might increase the stigma relating to Care Experience but the author, Josh MacAlister, has continued to support this recommendation, telling the Moving On Up Network in 2024 that Local Authorities have a "moral duty" to treat Care Experience as a Protected Characteristic. There is a well-publicised national campaign, led by care experienced people, for Local Authorities to adopt this motion and to date, 92 Local Authorities have signed up.

As corporate parents we have a duty to consider our role in this and this paper will set out the framework, rationale and recommendations.

For the purpose of clarity this report will discuss Care Leavers, as defined by the Children (Leaving Care) Act 2000 and people with Care Experience, which is broadly accepted to refer to people who have been in care during childhood. Care Leavers are a defined group but are also represented in the Care Experienced community.

When referencing Protected Characteristics as defined by the Equality Act (2010) these are:

- Age
- Disability
- Sex
- Gender reassignment

- Marriage or Civil Partnerships (in employment only)
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sexual Orientation

Background

Care Experienced people face significant barriers and discrimination throughout their lives. An overt example of this was a letting agent in Manchester advertising a property which read "No history of substance misuse...., no care leavers, no criminal convictions". There was outrage about the advert but this is not an isolated example. Care experienced people face discrimination and stigma in areas across housing, health, education, relationships, employment and the criminal justice system.

Care Leavers are underrepresented in all of the areas we would want your children to be in and overrepresented in all of the areas we wouldn't. Statistics from the Department for Education in 2022 show that if you are a Care Leaver in England you are twice as likely to be a prisoner as you are to be an apprentice. Approximately 13% of Care Leavers go to university compared with 43% of the general population and a UCL study in 2018 found that if you are Care Experienced you are 70% more likely to die prematurely than someone who is not Care Experienced.

In North Yorkshire we work hard to achieve the very best outcomes for our care leavers, and whilst those outcomes are better than our statistical neighbours, they are still far behind those of the general population.

There have been some misconceptions that by making Care Experience a protected characteristic we could inadvertently create additional labels and stereotypes for the Care Experience community. Our view is that having and using a protected characteristic is a personal choice and therefore if an individual didn't want their characteristic to be disclosed, they have the choice and autonomy not to disclose it.

There has also been some criticism in the sector about local authorities who have adopted this motion but without then implementing meaningful changes.

North Yorkshire Context

Currently we support 522 young people who meet the criteria to be defined as Care Leavers but there are many more citizens of North Yorkshire who are Care Experienced, meaning they have spent some time in care but not enough, or not at the right time, to be deemed a Care Leaver.

Care Leavers are supported by our Care Planning and Support teams and Children's Disabilities Teams until they reach 18 and then are supported by ourLeaving Care Teams based in 4 localities across the county.

Our services were judged by OFSTED to be outstanding in consecutive inspections. We have a strong Local Offer to Care Leavers and we work hard to maintain positive relationships with our colleagues in Housing, Job Centres and the Health Service in an effort to maximise the support available to Care Leavers in North Yorkshire. We have also created the "Always Here" offer for care leavers which means that regardless of their age, we will always offer information, advice and guidance to young people. This offer is a leading offer in the country and many more authorities are now working to create something similar.

It is anticipated that treating Care Experience as a protected characteristic would have many more implications for the other directorates in the council than it does for the Children and Young People's Service.

We already have many initiatives established that would contribute to our "reasonable adjustments" if we were to treat Care Experience as a protected characteristic. Examples of this are that we guarantee interviews to Care Leavers who meet the minimum requirements for jobs within North Yorkshire Council; there is a section on the application section which enables Care Leavers to identify someone who can support them with their applications and we are able to ringfence Apprenticeship opportunities for Care Leavers. The leisure centres offer free access to care leavers and looked after children with their foster carer. NYC care leavers are exempt from paying council tax within North Yorkshire

Recently, Nicki Watkinson worked with colleagues in Leisure and Tourism to obtain free tickets to shows at Scarborough's Open Air Theatre, in addition to free access to other tourism related activities for children in care, care leavers and foster carers.

If we were to consider Care Experience as a protected characteristic we would need to widen understanding of what this means to all areas of the council including, but not limited to, planning, the delivery of adult social care, GDPR and data collection, Public Health, commissioning and housing.

Implications

Recognising Care Experience as a protected characteristic in North Yorkshire would mean that we would apply the same principles as we currently do with the other protected characteristics.

We would need to undertake and amend our Equalities Impact Assessment and would need to amend some of the council policies to reflect that we are considering Care

Experience as a protected characteristic. A practical example of the types of policies we might amend as a result would be to amend the Leave Policy in areas such as Compassionate Leave to include Previous Foster Carers everywhere that currently designates parents or close family members.

By amending the Equalities Impact assessment, we would effectively be asking all officers of the council to consider the impact of changes specifically on people with Care Experience alongside the other protected characteristics and to be mindful of direct or indirect discrimination.

Young People's views

The Leaving Care Service undertook an initial workshop with a group of care leavers. The first element of the workshop was helping young people understand what the Equality Act is, and how it might be applied.

Overall, the feedback from this session was positive in favour of Care Experience being recognised as a protected characteristic. A summary of their feedback was:

'It would be a good thing as many people don't know what a care leaver is and therefore they may have more understanding if it is a protected characteristic if for example we act in a certain way or sometimes behave differently'

'I definitely feel like It would be positive to have protected characteristics for care leavers, care leavers are generally under represented anyway and this will make it more formal and therefore make a difference and in turn will inform people and enable more research. I think good examples of where we may need additional support (protected characteristics) in the work place and at college/university are if we are suffering from mental health linked in to the trauma we may have suffered and our experiences as children – there is a need for additional awareness and support and possibly time off if needed. We also need to be prioritised for schemes within the workplace such as CBT and therapy if it is offered via occupational health/human resources. Also possible awareness that we do not have the support of families etc and have more financial commitments as may be living in independence early so help with travel costs or excepting that we may need to work from home more. Also to recognise foster parents as parents and have bereavement leave etc in line with blood relatives.

'no idea'

'A bit more leniency for first year trainee's in job roles and to protect care leavers from bullying due to their circumstances.'

'It would be a good thing, care leavers have been through so many different experiences that others have not, for young people claiming asylum many people can never imagine what they have been through, they have the added issue of struggling with language and getting used to different cultures and how we do things differently and different religions (for example needing to pray in work time).

'Definitely as good thing and it should have already been done. All work places should offer counselling'

'Yes it would be a positive thing but we also need to make sure we don't get special treatment and circled out as others would wonder why we are getting special treatment. Sometimes workplaces are not aware of the challenges we face, living for example in homeless shelters and not having money to eat but being expected to work long shifts'

'Yes it is a good idea, we may need time off for things like this trip and engaging with our support workers but it is a tricky one as I told work gradually that I was a care leaver and some may not want work to know they are. Everyone deserves a chance to work and if you can't manage work because of your background and experiences and lack of support in work something needs to change.'

'A good idea, I know someone who has ADHD and emotional health needs and she needs so much more support to be able to work.'

Cost and Risk

There would be some internal costs to adopting Care Experience as a protected characteristic. We would need to create a working group to map and implement the changes to our policies, or we could repurpose a group like the Multi-Agency Looked After

Partnership to firstly recognise the new council's approach to corporate parenting and at the same time consider how we would disseminate learning and consideration across the whole council.

We would also need to obtain legal advice in relation to our position. The approach that other local authorities have taken is to create a "local protected characteristic" which is not enforceable in law using the Equality Act 2010 but would be enforceable in relation to the council's duties to comply with it's Equality and Diversity Policies.

As a leading and ambitious local authority there might be a reputational risk if we didn't adopt Care Experience as a protected characteristic in light of the recommendation of the Independent Review of Children's Social Care and the national campaign, led by care experienced people which currently has 92 local authorities signed up.

North Yorkshire is an innovative local authority. We created the Moving On Up network which champions apprenticeships for Care Leavers. The network is sector leading and influential with policy makers, employers, local authorities and training providers. The last Moving On Up network was dedicated to the topic of Protected Characteristics. Held on the 14th May 2024 there were over 200 attendees who provided mixed reviews from Local Authorities who had adopted care experience as a protected characteristic. Some felt they had adopted it but weren't sure what they would do differently as a result, whilst others had adopted it and had made some progress on areas such as ringfencing opportunities for care leavers, which is something we have been doing for a number of years.

Recommendation

Recognising care experience as a protected characteristic is the method that a large number of Local Authorities have pursued but the goal is to minimise the inequalities the care experienced community faces.

As a leading, bold and innovative local authority our recommendation is that we should pursue formally recognising care experience as a protected characteristic, but we should do this with a focus on affecting meaningful change.

We should create a task and finish group with representation from all directorates in the council to carefully consider the implications of considering care experience a protected characteristic. As discussed earlier, we have already been able to implement many changes to recognise the disadvantages care leavers face.

We should seek legal advice about the impact on the council as a whole of adopting this motion.

We should provide a workshop to senior leaders across all directorates about care experience and the varied roles and responsibilities of corporate parents and we should offer ideas about how each directorate could recognise the disadvantage care experienced people have and some of the ways these could be mitigated.

We should allocate a project manager to oversee the transformation and implement changes as necessary. Feeding back to the new, repurposed Multi Agency Looked After Partnership.

We should use this forum to share examples of how all areas of North Yorkshire Council are exercising their corporate parenting responsibilities and working towards positively impacting the outcomes for our care experienced members of society.





Treating Care Experience as a Protected Characteristic

Final Report of The Task and Finish Group

Introduction

In 2022, <u>The Independent Review of Children's Social Care</u> recommended that Care Experience should become a protected characteristic as an addition to the protected characteristics already defined by the Equality Act 2010.

In its response, the previous government declined to take this forward, saying that it was concerned that by doing so it might increase the stigma relating to Care Experience. The Author, Josh MacAlister, has continued to support this recommendation, telling the Moving On Up Network in 2024 that Local Authorities have a "moral duty" to treat Care Experience as a Protected Characteristic. There is a well-publicised national campaign, led by care experienced people, for Local Authorities to adopt this motion and to date, 101 Local Authorities have signed up. (As of 8th August 2024)

As corporate parents we have a duty to consider our role in this and this paper will set out the framework, rationale and recommendations.

For the purpose of clarity this report will discuss Care Leavers, as defined by the <u>Children</u> (<u>Leaving Care</u>) Act 2000 and people with Care Experience, which is broadly accepted to refer to people who have been in care during childhood. This cohort will also include those who have been adopted and cared for under a Special Guardianship Order. Care Leavers are a defined group but are also represented in the Care Experienced community.

When referencing Protected Characteristics as defined by the Equality Act (2010) these are:

- Age
- Disability
- Sex
- Gender reassignment
- Marriage or Civil Partnerships (in employment only)

- Pregnancy and Maternity
- Race
- Religion or Belief
- Sexual Orientation

Background

This paper comes as a result of the motion put forward to Full Council in May 2024 to formally recognise Care Experience as a protected characteristic. An initial report was undertaken and presented to Children and Families Scrutiny Committee which concluded that a task and finish group consisting of members and officers undertake additional work to produce this final report.

Care Experienced people face significant barriers and discrimination throughout their lives. An overt example of this was a letting agent in Manchester advertising a property which read "No history of substance misuse...., no care leavers, no criminal convictions". There was outrage about the advert but this is not an isolated example. Care experienced people face discrimination and stigma in areas across housing, health, education, relationships, employment and the criminal justice system.

Care Leavers are underrepresented in all of the areas we would want your children to be in and overrepresented in all of the areas we wouldn't. Statistics from the Department for Education in 2024 show that if you are a Care Leaver in England aged 17 to 21 you are more likely to be a prisoner than you are to be an apprentice (1). Approximately 13% of Care Leavers go to university compared with 43% of the general population (2) and a UCL study in 2018 found that if you are Care Experienced you are 70% more likely to die prematurely than someone who is not Care Experienced (3).

In North Yorkshire we work hard to achieve the very best outcomes for our care leavers, and whilst those outcomes are better than our statistical neighbours, they are still far behind those of the general population.

There have been some misconceptions that by making Care Experience a protected characteristic we could inadvertently create additional labels and stereotypes for the Care Experience community. Our view is that having and using a protected characteristic is a personal choice and therefore if an individual didn't want their characteristic to be disclosed, they have the choice and autonomy not to disclose it.

There has also been some criticism in the sector about local authorities who have adopted this motion but without then implementing meaningful changes.

North Yorkshire Context

Currently we support 527 young people who meet the criteria to be defined as Care Leavers but there are many more citizens of North Yorkshire who are Care Experienced, meaning they have spent some time in care but not enough, or not at the right time, to be deemed a Care Leaver. Research estimates that 4% of those born in England during 2000 will have experienced care at some point in their childhood (4). It's important to highlight that of North Yorkshire citizens who have experienced care, not all will have been cared for by North Yorkshire.

Care Leavers are supported by our Care Planning and Support teams and Children's Disabilities Teams until they reach 18 and then are supported by our 5 Leaving Care Teams across the county.

Our services were judged by OFSTED to be outstanding in consecutive inspections. We have a strong Local Offer to Care Leavers and we work hard to maintain positive relationships with our colleagues in Housing, Job Centres the Health Service, and the education and employment sector in an effort to maximise the support available to Care Leavers in North Yorkshire. We have also created the "Always Here" offer for care leavers which means that regardless of their age, we will always offer information, advice and guidance to young people. This offer is a leading offer in the country and many more authorities are now working to create something similar.

It is anticipated that treating Care Experience as a protected characteristic would have many more implications for the other directorates in the council than it does for the Children and Young People's Service.

There are already many initiatives established that would contribute to our "reasonable adjustments" if we were to treat Care Experience as a protected characteristic. Examples are that we guarantee interviews to Care Leavers who meet the minimum requirements for jobs within North Yorkshire Council. There is a section on the application section which enables Care Leavers to identify someone who can support them with their applications and in previous years we have been able to ringfence Apprenticeship opportunities for Care Leavers.

Recently colleagues in Leisure and Tourism have provided free tickets to shows at Scarborough's Open Air Theatre, in addition to free access to other tourism related activities for children in care and care leavers.

Our leisure services have for a number of years provided access to gym and swimming facilities for care leavers and those in care.

Some teams within the housing service already recognise the vulnerabilities that care leavers may have, especially within Housing Needs. North Yorkshire Home Choice gives

priority banding to young people at the point of leaving care to assist with accessing social housing.

If we were to consider Care Experience as a protected characteristic we would need to widen understanding of what this means to all areas of the council including, but not limited to, planning, the delivery of adult social care, GDPR and data collection, Public Health, commissioning and procurement.

Implications

Recognising Care Experience as a protected characteristic in North Yorkshire would mean that we would apply the same principles as we currently do with the other protected characteristics.

We would need to undertake and amend our Equalities Impact Assessment and would need to amend some of the council policies to reflect that we are considering Care Experience as a protected characteristic.

We would also need to develop training for the workforce to help them understand care experience, the discrimination this community faces and ways they could consider minimising this.

Cost

Implementing Care Experience as a Protected Characteristic will not create a significant cost burden.

We have tried to identify costings from other local authorities based on their implementation but have been unable to.

It is important to consider that passing this motion is the vehicle in which to make changes. The only cost implications recommended in this proposal are that we develop and roll out training and guidance to help the workforce understand care experienced people, their backgrounds and the discrimination they face in addition to amending our Equalities Impact Assessment to consider care experience alongside the other 9 protected characteristics.

Any subsequent changes or "reasonable adjustments" would be decided by each directorate in line with their pre-existing responsibilities whilst considering their own budgets and models of delivery.

A practical example of the types of policies we might amend as a result would be to amend the Leave Policy in areas such as Compassionate Leave to include Previous Foster Carers everywhere that currently designates parents or close family members. Typically, this would come with a cost attached (wages for the period of compassionate leave) but during

our discussions with officers, most have said that if faced with this situation they would want to recognise an employee's foster carer as being a close relative in any case.

There may well be some positive cost implications given the talent and skills of care experienced individuals within the county. On seeing the adoption and implementation of care experience as a protected characteristic people may well be attracted to work within the Council who otherwise may not see it as an option.

Young People's views

The Leaving Care Service undertook an initial workshop with a group of care leavers. The first element of the workshop was helping young people understand what the Equality Act is, and how it might be applied.

It would be a good thing as many people don't know what a care leaver is and therefore they may have more understanding if it is a protected characteristic if for example we act in a certain way or sometimes behave differently'

'I definitely feel like It would be positive to have protected characteristics for care leavers, care leavers are generally under represented anyway and this will make it more formal and therefore make a difference and in turn will inform people and enable more research. I think good examples of where we may need additional support (protected characteristics) in the work place and at college/university are if we are suffering from mental health linked in to the trauma we may have suffered and our experiences as children – there is a need for additional awareness and support and possibly time off if needed. We also need to be prioritised for schemes within the workplace such as CBT and therapy if it is offered via occupational health/human resources. Also possible awareness that we do not have the support of families etc and have more financial commitments as may be living in independence early so help with travel costs or excepting that we may need to work from home more. Also to recognise foster parents as parents and have bereavement leave etc in line with blood relatives.

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'It would be a good thing, care leavers have been through so many different experiences that others have not, for young people claiming asylum many people can never imagine what they have been through, they have the added issue of struggling with language and getting used to different cultures and how we do things differently and different religions (for example needing to pray in work time).

'Definitely as good thing and it should have already been done. All work places should offer counselling'

'Yes it would be a positive thing but we also need to make sure we don't get special treatment and circled out as others would wonder why we are getting special treatment. Sometimes workplaces are not aware of the challenges we face, living for example in homeless shelters and not having money to eat but being expected to work long shifts'

'Yes it is a good idea, we may need time off for things like this trip and engaging with our support workers but it is a tricky one as I told work gradually that I was a care leaver and some may not want work to know they are. Everyone deserves a chance to work and if you can't manage work because of your background and experiences and lack of support in work something needs to change.'

'A good idea, I know someone who has ADHD and emotional health needs and she needs so much more support to be able to work.'

A further survey was done with a different group of young people and the results were overwhelming positive to the idea.

32 surveys were completed with 31 in favour of adopting care experience as a protected characteristic. The 1 other response was unsure.

Consultation with nearly 50 care leavers gave the overwhelming feedback that if NYC were to acknowledge care experience as a protected characteristic this would be welcomed.

Risk

As a leading and ambitious local authority there might be a reputational risk if we didn't adopt Care Experience as a protected characteristic in light of the recommendation of the Independent Review of Children's Social Care and the national campaign, led by care experienced people which currently has 101 local authorities signed up.

North Yorkshire is an innovative local authority. We created the Moving On Up network which champions apprenticeships for Care Leavers. The network is sector leading and influential with policy makers, employers, local authorities and training providers. The Moving On Up network held on the 14th May 2024 had over 200 attendees who provided mixed reviews from Local Authorities who had adopted care experience as a protected characteristic. Some felt they had adopted it but weren't sure what they would do differently as a result. Others had adopted it and had made some progress on areas such as ringfencing opportunities for care leavers, which is something we have been doing for a number of years.

Task and Finish Group

The group has met on three occasions between October 2024 and January 2025 with invites made to the Chair and Vice Chair of Children and Families Overview and Scrutiny Committee, the Young Person's Champion and Proposer of the motion and

representatives from all Directorates. Representatives of six areas were able to attend; Culture and Leisure, HR, Policy and Strategy, Housing, Democratic services and CYPS, alongside representatives from HDRC (Health Detriments Research Collaboration). Health Determinants Research Collaboration (HResearch support available from the Health Determinants Research Collaboration

DRC) - Home

Good discussions have been had and recommendations have been formulated below.

Recommendation

Recognising care experience as a protected characteristic is the method that a large number of Local Authorities have pursued but the goal is to minimise the inequalities the care experienced community faces.

As a leading, bold and innovative local authority our recommendation is that we should pursue formally recognising care experience as a protected characteristic, but we should do this with a focus on affecting meaningful change.

Individuals will be expected to self identify their care experience should they wish to ask that their care experience is treated as a protected characteristic.

The EIA should be adjusted to include Care Experience as Protected Characteristic alongside mandatory training so all staff and Councillors within NYC are aware of the implications of this commitment.

We should use the capacity and capability of the Council's new Health Determinants Research Collaboration (HDRC) to identify areas of research interest for this topic. These should be co-produced with care-experienced people and service managers from across directorates. We should use the partnerships that HDRC North Yorkshire has with the Universities of Hull and York to design and deliver research that builds our understanding of the impact of the change.

This could have nationwide impact given the lack of research on the issue and will also enable NYC to share their good practice with other organisations and partners to help reduce inequalities for care experienced people in the wider community.

An officer should be appointed to take lead responsibility for this work and should report back to the new, repurposed Multi Agency Looked After Partnership within CYPS.

We should use this forum to share examples of how all areas of North Yorkshire Council are exercising their corporate parenting responsibilities and working towards positively impacting the outcomes for our care experienced members of society.

References

- (1). Department for Education (2024) *Children looked after in England including adoptions.* Available at https://explore-education-statistics.service.gov.uk/find-statistics/children-looked-after-in-england-including-adoptions. Accessed 15th January 2025.
- (2). Young, F. and Lilley, D. (2023) Breaking the Care Ceiling. Civitas, London
- (3). Murray, E.T., Lacey, R., Maughan, B. *et al.* (2020) Association of childhood out-of-home care status with all-cause mortality up to 42-years later: Office of National Statistics Longitudinal Study. *BMC Public Health* **20** 735. https://doi.org/10.1186/s12889-020-08867-3
- (4). Jay, M., Mc Grath-Lone, L., Pearson, R. and Gilbert, R. (2022) "The cumulative proportion of children receiving social care services in England: a whole population administrative data cohort study". *International Journal of Population Data Science*, 7(3). https://doi.org/10.23889/ijpds.v7i3.1895

CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE DRAFT WORK PROGRAMME 2024/2025

SCOPE OF THE COMMITTEE

• The interests of young people, including education, care and protection and family support

WEDNESDAY 29 TH JANUARY 2025 AT 10.00AM					
ITEM	DRAFT OUTLINE/COMMENT	METHOD	LEAD		
Care Experience as a Protected Characteristic Task and Finish Group	 Update on the Task and Finish Group meetings Key findings Recommendations to Full Council in February 2025 	Report and Presentation	Mel Hutchinson, Assistant Director Children and Families		
MID CYCLE BRIEFING – FRIDAY 24 TH JANUARY 2024 AT 2.00PM					
Draft Work Programme 2024/25		Consideration of work programme and agenda items for Committee meeting on 19 th March 2025			
COMMITTEE MEETING - WEDNESDAY 19 TH MARCH 2025 AT 10.00AM					
Director of Public Health Annual Report	Director of Public Health to share the main outcomes and conclusions from the recommendations in the Annual Report 2023/2024.	Report and Presentation	Louise Wallace, Corporate Director		

Schools Update	 The current picture, in terms of figures for all North Yorkshire Schools and Academies, including: Performance and standards Funding Strategic planning Financial position 	Report and Presentation	Amanda Newbold, Assistant Director Inclusion
Criminal exploitation	An update on those areas where criminals seek to exploit children and young people. For example, County Lines.	Report	Mel Hutchinson, Assistant Director Children and Families
North Yorkshire SACRE Annual Report 2023/2024	 Examination results in Religious Education. How SACRE has engaged with Schools Progress against its Development Plan 	Report	Amanda Newbold, Assistant Director Inclusion

ITEMS FOR MID CYCLE BRIEFING

DATE	POTENTIAL ITEM
Friday 24 th January 2025 at 2.00pm (in respect of the Committee meeting on 19 th March)	Draft work programme for 2025/2026