

# North Yorkshire Council

## Full Council

Wednesday 26 February 2025

### 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 provide Council with a summary of the deliberations and recommendations of the Children and Families Overview and Scrutiny Committee regarding the Notice of Motion seeking to join over sixty other local councils in the UK by treating care experience as if it is a protected characteristic. Council referred the Motion to Scrutiny Board on 15 May 2024, who subsequently referred it to Children and Families Overview and Scrutiny Committee on 21 June 2024.

#### **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 (Appendix 2). The findings were presented to the Overview and Scrutiny Committee on 24 October 2024.
- 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.
- 2.4 The Children and Families Overview and Scrutiny Committee held an additional Committee meeting on 29 January 2025 to deliberate the Task and Finish Group report and agree on their recommendation to Full Council on 26 February 2025.

#### **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 decided 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. Their report can be found at Appendix 2.

3.4 The report was presented to the Overview and Scrutiny Committee on 24 October 2024. After noting the report and hearing first-hand experience from a member of staff who was a care leaver themselves, 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.

3.5 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 directorates 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).

3.6 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.

3.7 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.

3.8 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.

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

3.10 The task and finish group reported back to the Children and Families Overview and Scrutiny Committee on 29 January 2025.

#### **4.0 Key Issues Considered by Children and Families Overview and Scrutiny Committee**

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 incredibly successful and effective work happening across some directorates to support care experienced individuals. These offers are designed to help them transition into adulthood and independence and are part of the Council's commitment to supporting those with care experience and helping them succeed. Whilst there is strong good practice embedded within the Children and Young People's Service, Members acknowledged that 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 senior leaders about care leavers and the experiences and barriers they encounter. They were also able to share good practice. During this time, a further survey was carried out with young people, and overall, nearly 50 young people have been consulted.
- 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 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.
- 4.6 If the Motion is supported, an officer within Children and Young People's Service will be appointed to lead on the co-ordination and implementation of the policy. The Children and Families Overview and Scrutiny Committee will receive an update 12-18 months after implementation.

## **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 are:

### **Agree the Motion**

Agree no further information is required and agree the Motion to join over sixty other local Councils in the UK by treating Care Experience as if it is a protected characteristic.

### **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 Full Council to:

- i) Note the points raised in the attached reports.
- ii) Note the recommendations made in the Care Experience Task and Finish Group Report, as at Appendix 3.
- 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 at today's meeting.

#### **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 – Task and Finish Group Report

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