



City of Westminster

# Cabinet Report

**Meeting or Decision Maker:**

Cabinet

**Date:**

11 December 2023

**Classification:**

General Release

**Title:**

“Care Leaver” to be considered alongside the nine protected characteristics legislated for by the Equality Act 2010.

**Wards Affected:**

All

**Policy Context:**

Delivering Fairer Communities by Ensuring Our Most Vulnerable Children Have Equal Access To Opportunities

**Cabinet Member:**

Cllr Tim Roca

**Key Decision:**

Yes

**Financial Summary:**

None

**Report of:**

Sarah Newman, Executive Director of Children’s Services

## **1. Executive Summary**

- 1.1 The Fairer Westminster Plan provides a vision for the borough to be an inclusive place for everyone. Care experienced individuals have a unique perspective, gained from their experiences of previously being children looked after in our care. In recognising this, Westminster City Council works to ensure that they have a voice and involve them, including when making decisions that affect them.
- 1.2 The Independent Review of Children's Social Care, published in May 2022, recognised the challenges care leavers face and recommended that the government should make 'Care Experienced' a protected characteristic in law sitting beside other nine protected characteristics under the Equality Act 2010. The objective of this is to improve outcomes and address the disadvantages many care leavers experience who often struggle to find the care and support they need as they transition into adulthood. Several other Councils have independently taken the decision to take these issues into consideration prior to any change to the law. The Children's Society 2021 paper, 'Towards a London-wide Local Care Offer', also recognised the need for Councils to do more to support care leavers.
- 1.3 Currently, the Equality Act 2010 provides the legal framework to protect the rights of individuals with the following protected characteristics:
- Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy or maternity
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation
- 1.4 It is recommended that the Council takes being a Care Leaver into account alongside the nine protected characteristics detailed above which are enshrined within legislation. In doing so the Council will review and adapt its Equality Impact Assessment (EQIA) approach and guidance, social value policy and recruitment policies to identify opportunities for the whole Council to improve opportunities for people with care experience and take account of their unique status. This will reinforce a whole Council commitment to those leaving our care and strengthen the Council's corporate parenting responsibilities.

## **2. Recommendations**

## 2.1 That Cabinet is recommended to:

2.1.1. Approve the inclusion of 'Care Leaver' to be taken into account alongside the nine protected characteristics already legislated for in the Equality Act 2010.

2.1.2. Note that Westminster City Council's senior leaders will work together to providing enhanced work experience, apprenticeship, and employment opportunities as part of their corporate parenting responsibilities, including cognising their particular needs systematically as part of EQIAs and ensuring that they are considered across all strategies, responsible procurement and commissioned contracts.

2.1.3. Note the commencement of a programme of work which includes:

- Reviewing our EQIA and Equalities programming (internal and corporate) to include care leavers
- Adapting our EQIAs to include consideration of care leaver status
- Reviewing and adapting recruitment policies and procedures in order to guarantee care leaver applicants an interview where when they meet the essential criteria for a role being advertised
- That every Directorate commits to providing mentoring, work experience and apprenticeship opportunities to care leavers

## 3. Reasons for Decision

3.1 As corporate parents, it is the Council's collective responsibility to support children that have been in our care to ensure they receive the same opportunities that we would want for our own children. This support should include the promotion of good health and education, nurturing talent and providing stability, thus enabling successful adult lives.

3.2 Services across the Council will commit to providing opportunities and support to young adults with care experience to improve their outcomes and show a genuine and demonstrable commitment to supporting them to develop skills in order to thrive. This will require some time and effort on the part of Westminster's leaders and staff to ensure that those leaving our care are continually championed and supported to achieve in all areas.

3.3 Westminster City Council will explicitly and systematically recognise 'Care Leaver' as a consideration, alongside the nine protected characteristics already legislated for in the Equality Act 2010. In doing so the Council can monitor and measure the impact that it is having to support those leaving our care in their life journey and make appropriate arrangements or adjustments to provide this support.

## 4. Background, including Policy Context

- 4.1 Westminster City Council currently has 177 Looked After Children and 348 care leavers who are aged between 18-25 years.
- 4.2 Children who have experienced care can face lifelong multiple intersectional inequalities and disadvantage. Government statistics show that care leavers have a range of poorer economic and physical and mental health outcomes. They are three times more likely to not be in employment, education, or training than other young adults. The trauma, oppression, and adversity many have experienced further exacerbates this. Despite these challenges nationally many of the children leaving Westminster City Council have gone on to excel academically, run successful businesses, achieve successful careers and be role models in their community.
- 4.3 Westminster City Council provides a number of opportunities for care leavers to enable them to achieve their education, employment and training aspirations. We have dedicated officers and teams including the Virtual School within Education, the Care Leaving Service and Economy Team who do much to support our care leavers achieve their goals and potential.
- 4.4 There is a legal duty placed on local authorities to publish their Local Offer to care leavers. Westminster City Council's Local Offer and Pledge details the extensive offer of services available to our care leavers and we have always strived to provide excellent holistic support to them. For example, we were one of the first London authorities to exempt care leavers from paying council tax when moving into their first homes. However, there is always more that can be done to support those that are care experienced and we must be continually ambitious for them.
- 4.5 From a Pan London perspective, the Association of London Directors of Children's Services (ALDCS) have led on the development of the Pan London Care Leavers Compact. The Compact aims to improve the consistency and quality of Local Offers available to those who are care experienced across London in recognition that provision varies. Department for Education funding has enabled work to be undertaken through the London Innovation and Improvement Alliance (LIIA). Support for people with care experience is a priority for ALDCS and further work is planned to strengthen practice through networks such as the London Local Authority Network for Care Leavers. Through this work a number of other London local authorities have already taken 'Care Leaver' into account alongside the other protected characteristics in the Equality Act 2010.
- 4.6 The main aims for adopting 'Care Leaver' in this way are to support and improve outcomes in the following areas: supporting economic transition to adulthood; accessing work readiness and employability skills; building future careers and gaining experience; championing access to apprenticeships and support through recruitment processes; and ensuring priority is given to support care leavers into suitable permanent accommodation.
- 4.7 It is proposed that where an applicant meets the essential criteria for a role being advertised, including apprenticeships, and they declare that they are care

leavers that they will be guaranteed an interview. Changes would need to be made to the existing application form and recruitment policies to implement this.

- 4.8 To help the Council understand the numbers of staff who are care leavers, a field will be added to the recruitment and IBC system, and job applicants and existing staff will be invited to confirm whether they are themselves care experienced. Some may find it difficult or may prefer not to provide this information, but going forward this will provide the Council with a picture of the impact of its work to support this group, which will form part of the regular workforce reporting.

## **5. Financial Implications**

- 5.1 There are no financial implications or risks arising for the Council from the recommendations of this report. The recommendation to offer apprenticeships or employment will not have a financial impact, as this relates to existing apprenticeship roles and vacancies within the Council. The Council provides care leavers with final stage accommodation as part of its existing commitment and there are no additional financial implications or risks arising from this protected characteristic.

## **6. Legal Implications**

- 6.1 Section 4 of the Equality Act 2010 sets out nine protected characteristics and people with those characteristics are afforded rights in relation to discrimination on the grounds of those characteristics. There is no legal reason prohibiting Westminster City Council from including 'Care Leaver' to the list to be considered locally in its Equalities Impact Assessments. However, in the event that in any assessment there is a conflicting impact between 'Care Leaver' and any of the statutory protected characteristics, then the statutory protected characteristics must take precedence.
- 6.2 In principle it is not unlawful for the Council to prioritise the awarding of at least one apprenticeship to a care experienced person if that person meets the person specification for the apprenticeship. Legal consideration would need to be given to the precise way in which it was intended to give that priority.

## **7. Carbon Impact**

- 7.1 There are no material climate implications resulting from the recommendation(s) of this report.

## **8. Equalities Implications**

- 8.1 The recommendations of this report are intended to promote equality of opportunity care leavers. In some instances, those care leavers will also have other protected characteristics recognised under The Equality Act 2010.
- 8.2 It is foreseen that the recommendations in this report could have a positive effect upon young adults with care experience, through having their 'Care Leaver' status considered alongside other protected characteristics set out in The Equality Act 2010.

## **9. Consultation**

- 9.1 Care leavers from Westminster City Council have been consulted given the proposed change would affect them. Those consulted are in support of the proposal since it recognises their unique circumstances and progresses the Council's commitments as their 'corporate parents'.

**If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:**

Helen Farrell, Interim Director of Family Services Projects

[hfarrell@westminster.gov.uk](mailto:hfarrell@westminster.gov.uk)