



Combined Authority Board

Agenda Item

29 November 2023

17

Title:	Recognising Care Experience as an Equally Protected Characteristic
Report of:	Donya Taylor, HR Business Partner and Kate McFarlane, Director of Policy & Engagement
Lead Member:	Mayor Dr Nik Johnson
Public Report:	Yes
Key Decision:	No
Voting Arrangements:	A simple majority of all Members present and voting

Recommendations:

A	Agree that 'care experience' will be treated as if it were a Protected Characteristic by the Combined Authority under the Equalities Act 2010.
B	Agree that oversight of support to Care Leavers falls within the remit of the Employment and Skills Committee.
C	Encourage all organisations on the Combined Authority Board to explore what more they can do to support care leavers and to share best practice.

Strategic Objective(s):

The proposals within this report fit under the following strategic objective(s):

Y	Achieving ambitious skills and employment opportunities
	Achieving good growth
	Increased connectivity
Y	Enabling resilient communities
	Achieving Best Value and High Performance

1. Purpose

1.1	This report outlines the Combined Authority's proposed approach to Care Experienced Individuals, also known as Care Leavers and seeks support for the recommended actions.
1.2	Care Leavers – although usually resilient – face multiple barriers and often experience discrimination in many elements of their lives including employment, with a range of support being inconsistent. The data table showing the broad outcomes of Care Leavers aged 19-21 yrs in Cambridgeshire & Peterborough, compared to England, for 2019-22 can be found at Appendix A.
1.3	In May 2023 the HR Committee signed up to the Employer's Charter of the Care Leaver Covenant and in September 2023 it was agreed that the Combined Authority would treat Care Experience as a 'protected characteristic' under the Equalities Act 2010 in relation to HR Policies and Procedures.

1.4	The Combined Authority is already offering some support to Care Leavers but, we recognise as an organisation there are opportunities beyond us being an employer that we should take forward to improve the life chances of Care Leavers.
-----	---

2. Proposal

2.1	The Combined Authority will recognise Care Experience as if it were a protected characteristic.
2.2	<p>Details on activity currently being delivered by the Combined Authority is summarised in the paragraphs 3.5 to 3.7. The Combined Authority will explore a range of activities and what we can do to better support Care Leavers through the various funding streams, projects and activities delivered across the organisation. These include:</p> <ul style="list-style-type: none"> • What we can influence through procurement processes and the supply chain. • Delivery of an internal work experience programme with specific places being reserved for those with Care Experience. Exact numbers will depend on how many placements can be hosted across the organisation. First programme to run Summer 2024. • Identify future opportunities where we as an employer could promote Apprenticeships to Care Experienced individuals. • Skills team identifying future opportunities including access to information, career advice and guidance; provision of a Care Leavers Bursary, for Care Leavers aged 19-22, who are resident in Cambridgeshire and Peterborough, and enrolled on a course funded by us. <p>Within the draft Medium Term Financial Plan (MTFP) proposals include everyone under the age of 25 travelling on buses for £1. In addition to this we will explore the option of a targeted fare scheme for Care Leavers, as a priority for BSIP+ funding, as set out in the Bus Strategy paper in the TiC section of this agenda.</p>
2.3	We have engaged already with colleagues at Cambridgeshire County Council. We will continue to do this and learn from what they have already implemented and what opportunities there are for us to collaborate in the future. We will also work with our colleagues at Constituent Councils, to see how we can raise awareness of our initiatives and work in partnership to maximise opportunities and collaborate where possible.
2.4	We have identified a Corporate Management Team (CMT) lead for this area of work, Kate McFarlane, Director of Policy & Engagement and subject to approval by the Board support for Care Leavers will feature within the refreshed 2023-2025 Corporate Strategy. Accordingly, actions will be reflected in 2024-2025 Directorate Business Plans and progress reported through the Corporate Performance Framework adopted by the Board in September 2023.
2.5	Raising the profile of opportunities to improve outcomes for Care Leavers more widely is important. The Mayor will use his profile to raise awareness of this topic when meeting stakeholders and partners to engage others to look at how they can support Care Leavers and more broadly in the media. All Board Members can also look at how, within their own organisation and networks opportunities can be identified to improve outcomes for Care Leavers.
2.6	Maintaining a sharper focus on support for Care Leavers is important. We recommend that in future, we report progress to the Skills and Employment Committee.

3. Background

3.1	<p>A care experienced individual is someone who has been looked after by the Local Authority at any point, for any length of time. This includes, but is not limited to, people who:</p> <ul style="list-style-type: none"> • spent time in the care of the local authority (e.g., foster care or children's home) • were 'looked after at home' under a supervision order • spent time in kinship foster care (where a friend or family member becomes the foster carer) • spent time in kinship care through a formal arrangement, recognised by a local authority.
-----	---

	For us to be able to provide support to the individual, either through existing support (for example, Care Leaver's Covenant) or in the ways outlined in the 27 September 2023 HR Committee paper, the individual would need to disclose their status.
3.2	Care Experienced people face significant barriers that impact them throughout their lives; despite the resilience of many Care Experienced people, society too often does not take their needs into account; Care Experienced people often face discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system.
3.3	Care Experienced people are a group who are likely to face discrimination and Councils and Combined Authorities have a responsibility to put the needs of disadvantaged people at the heart of decision-making through co-production and collaboration. Officers propose that future policies made and adopted by the Combined Authority should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic.
3.4	The Combined Authority will continue to proactively engage and seek out and listen to the voices of Care Experienced people when developing new Strategies and policies. The development of a new Shared Vision for Cambridgeshire and Peterborough is one immediate area.
3.5	We already offer support to Care Leavers, in the following ways . <ul style="list-style-type: none"> • Provide a Care Leavers Bursary for Care Leavers aged 19-22, who are resident in Cambridgeshire and Peterborough and enrolled on a course funded by us. As of October 2023, we had passed the milestone of 100 Care Leavers benefiting from the CPCA bursaries. • Provision of independent and impartial careers advice and guidance through the National Careers Service.
3.6	As an Employer, we have recently signed up to the Care Leaver's Covenant Employer's Charter. This states that if you are a Care Leaver and you are applying for a role at the Combined Authority, we guarantee an interview where you meet the minimum criteria for the role.
3.7	We took a paper to HR Committee in September 2023, where a proposal was passed where it was resolved unanimously to: <ol style="list-style-type: none"> Agree that 'care experience' will be treated as if it were a Protected Characteristic under the Equalities Act 2010 in relation to HR Policies and Procedures. Approve the amendment of the Combined Authority's Equality, Diversity and Inclusion HR Policy to reflect 'care experience' being treated as if it were a protected characteristic. Note that officers will take a report to the CPCA Board in November to recommend a broader proposal to treat Care Experience as if it were a protected characteristic under the Equalities Act 2010 across all CPCA work and services. That report will include an action plan of activities. This paper is the report referenced in c) above and a) above is now in place with the Equality, Diversity and Inclusion HR Policy having been updated.

4. Appendices

4.1	Appendix A: Broad Outcomes of Care Leavers Aged 19-21
-----	---

5. Implications

Financial Implications

5.1	There will be financial implications relating to the provision of subsidised or free bus passes – however that proposal will be considered separately either through the MTFP and/ or to relevant Committees (for example, Transport and Infrastructure Committee).
-----	---

Legal Implications

5.2	The recognition of Care Experience as a protected characteristic by the Council does not create any enforceable rights for those who have this characteristic. It is not at present one of the protected characteristics under the Equality Act 2010, in respect of which discrimination is unlawful. In some instances, care experienced persons will also have other protected characteristics recognised under The Equality Act 2010.
5.3	Section 4 of the Equality Act 2010 sets out 9 characteristics and people with those characteristics are protected from discrimination on the grounds of those characteristics. There is no legal reason why the Combined Authority cannot add Care Experience 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 Experience and any of the statutory protected characteristics, then the statutory protected characteristics must take precedence.
5.4	Any proposed positive action will need to be assessed on a case-by-case basis to ensure that it does not unlawfully discriminate against those with any of the protected characteristics breach any other legal requirements.
Public Health Implications	
5.5	None
Environmental & Climate Change Implications	
5.6	None
Other Significant Implications	
5.7	None
Background Papers	
5.8	Care Leavers Report – HR Committee Paper 27/09/23