

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Children's services and Education		
Service Area:	Children's Services		
Name of the proposal:	Care Experience as a Protected Characteristic		
Lead officer:	Bob Webb Lead Member Children Services and Education		
Date assessment completed:	25/09/2024		
Names of those who contributed to the assessment:			
Name	Job title	Name	Job title
Niall McVicar	Head of Innovation and Children's Champion	Kitty Phillips	Project Officer

Step 1 – Aims and intended outcomes

1.1	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>The purpose of the proposal is to strengthen our commitment as corporate parents by suggesting that the local authority ensures people with Care Experience are treated as if it were a Protected Characteristic. Care Experienced young people have developed this proposal, and it sets out strategic ambition and priorities for ensuring empowerment, improved life outcomes, and minimising the discrimination faced by Care Experienced people.</p>
1.2	<p>Are there any external considerations? (Legislation/government directive/codes of practice etc.)</p>
	<p>The Independent Review of Children’s Social Care published in May 2022, included recommendations that the “Government should make Care Experience a protected characteristic”. Whilst the recommendation to make Care Experience a legally protected characteristic has not been adopted by central Government, many local authorities have taken forward the motion to adopt this recommendation locally.</p> <p>In February 2024, the local authority agreed our new Corporate Parenting Strategy (2024-2027), which outlines our ambitions for children and young people who are looked after by the local authority, as their corporate parents. The strategy also sets out our long-term aspirations for Care Experienced young people as they become adults. In June 2024 the Corporate Parenting Board agreed making Care Experience a protected characteristic was the right thing to do.</p> <p>To date, over 100 local authorities have so far introduced Care Experience as a locally protected characteristic, recognising the disadvantage and stigma faced by those with Care Experience. It is important to note however that whilst as a council we would adopt this as a protected characteristic, it would not have a legal status.</p>

1.3	<p>Who are the stakeholders and what are their interests?</p>
	<p>The key stakeholders are:</p> <ul style="list-style-type: none"> • Care Experienced People (Primary Stakeholders) • Parents and carers • The council and elected members <p>Whilst we recognise it is the local authority choosing to adopt care experience as a non-legally binding protected characteristics we would want partners to take similar steps. Secondary stake holders include:</p> <ul style="list-style-type: none"> • Communities • Early Years Settings • Education (schools, colleges and universities) • Employers, businesses, public services, and policy makers • North Yorkshire Police and Youth Justice • Health services <p>To make our strategy a success, the council would need to ensure our frameworks enforce this status and that it is not tokenistic. This would need to be a group effort, and by teaming up, we can create a supportive network that listens to and values Care Experienced people, and ensures they are not judged or disadvantaged because of their background.</p>
1.4	<p>What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.</p>
	<p>Our Ambition</p> <ul style="list-style-type: none"> • York is a place that Care Experienced people are respected and have improved life outcomes (for example, education, employment, well-being as well as physical and mental health).

	<ul style="list-style-type: none"> • Care Experienced people in York do not face discrimination based on their experiences and feel empowered. • Care Experienced people lead a life free from discrimination, stigma, and prejudice. <p>Our Priorities</p> <ul style="list-style-type: none"> • Recognising Care Experience as a protected characteristic would mean that we would apply the same principles as we currently do with the other protected characteristics. • Promoting a greater awareness of care leavers needs to encourage acceptance and support. This would reduce the social stigma that can come with being in care and challenge harmful stereotypes. <p>How will we know this is making a difference?</p> <ul style="list-style-type: none"> • We have worked with Care Experienced young people directly, who have identified this need and undertaken extensive consultation and research to develop this proposal. • We will work with young people to implement this proposal to ensure it is meaningful and has local protections to enforce its use.
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Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
	Source of data/supporting evidence	Reason for using
	Corporate Parenting Board	Corporate Parenting Advisors and care experienced people carried out surveys and face-to-face consultation. They carefully considered the views of 21 care experienced young people as well the views of key professionals and foster carers, all who this would directly impact.

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Independent Review of Children’s Social Care, May 2022	Included recommendations that the “Government should make Care Experience a protected characteristic”.
Example of other local authorities	To date, over 100 local authorities have so far introduced Care Experience as a locally protected characteristic, recognising the disadvantage and stigma faced by those with care experience
Data information regarding the experiences of Care Experienced people	National data shows care experienced people often face discrimination and stigma across many aspects of their lives including housing, health, education, relationships, employment and in the criminal justice system – this informs the proposal.

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.		
Gaps in data or knowledge		Action to deal with this	
No known gaps in data or knowledge.		n/a	

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.			
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)	

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Age	The purpose of the proposal is to improve outcomes for Care Experienced people. The successful delivery of the proposal should directly deliver positive outcomes across all ages, including young Care Experienced people's lives now, and as they become adults.	+	H
Disability	The proposal is inclusive of all Care Experienced people, including those with an identified disability. The positive impact of the proposal will include this group of people.	+	M
Gender	The proposal does not exclude different genders or reinforce gender biases and will have a positive impact across all genders.	+	M
Gender Reassignment	The proposal is inclusive of all Care Experienced people, including those identifying with gender reassignment. Delivered well the proposal will have a positive impact.	+	M
Marriage and civil partnership	The proposal is not expected to impact on this characteristic.	0	
Pregnancy and maternity	Care-experienced parents often do not get effective support during pregnancy and parenting – this proposal would take steps to ensure they are not judged or disadvantaged because of their background.	+	M
Race	The proposal is inclusive of all Care Experienced people, regardless of race. Delivered well the proposal will have a positive impact, especially on those already at risk of facing extra layers of discrimination.	+	M
Religion and belief	The proposal is not expected to impact on this characteristic.	0	

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Sexual orientation	The proposal is inclusive of all Care Experienced people of all sexual orientations. The positive impact of the proposal will include this group.	+	M
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	This proposal could strengthen support for care experienced people who are also carers.	+	M
Low income groups	This proposal should help towards breaking down barriers to accessing financial advice/support.	+	M
Veterans, Armed Forces Community	The proposal is not expected to impact on this characteristic.	0	
Other	The purpose of the proposal is to improve outcomes for Care Experienced people. The successful delivery of the proposal should deliver positive outcomes across Care Experienced young people's lives, and as they become adults.	+	H
Impact on human rights:			
List any human rights impacted.	<p>The proposal directly impacts several children's rights as outlined in the United Nations Convention on the Rights of the Child (UNCRC).</p> <ul style="list-style-type: none"> • Right to Education (Article 28) • Right to Non-Discrimination (Article 2) • Right to Life, Survival, and Development (Article 6) • Right to Be Heard (Article 12) • Right to Play, Leisure, and Cultural Activities (Article 31) • Right to Health (Article 24) 	+	H

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	<ul style="list-style-type: none">• Right to Protection from Violence (Article 19)• Right to an Adequate Standard of Living (Article 27)• Right to Privacy (Article 16)• Right to Special Protection and Assistance (Article 20)• Right to Access Information (Article 17)• Right to Freedom of Expression (Article 13)• Right to Freedom of Association and Peaceful Assembly (Article 15)• Right to Education on Human Rights and Peace (Article 29)		
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Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a **POSITIVE** impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a **NEGATIVE** impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a **NEUTRAL** effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

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<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<p>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</p>
<p>The assessment has found that there should be an overall positive impact from the implementation of the proposal. While this proposal would help reduce stigma, there is a risk that it could in some cases reinforce stigma and negative stereotypes. However, it is acknowledged that the stigma already exists and therefore the benefits of the motion being passed outweighs the current concerns. To try to mitigate any adverse impact, the change will be monitored, and direct feedback sought from different groups to ensure we are realising the positive changes we are seeking to make. Also, the change in policy will be supported with information and training to improve understanding and awareness across the local authority.</p>	

Step 6 – Recommendations and conclusions of the assessment

6.1	<p>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</p>
<p>- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</p>	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty.
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal	The proposal has been developed with consideration of the needs of and the inequalities faced by Care Experienced people in York and how we can address these through reframing our conversations and protecting Care Experienced people from discrimination. Any adverse impact can be monitored and mitigated where possible, and it was concluded that the benefits of the motion being passed outweighs the current concerns.

Step 7 – Summary of agreed actions resulting from the assessment

8. 1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?		
	The implementation of care experience as a protected characteristic would be tracked by the council's existing frameworks for equalities. Alongside this, the Corporate Parenting Board will continue to track and challenge the impact of this change and report progress through its annual Corporate Parenting Board report.		
7.1	What action, by whom, will be undertaken as a result of the impact assessment.		
Impact/issue	Action to be taken	Person responsible	Timescale
	Direct that officers work to update as necessary corporate frameworks such as the Equality Impact Assessment and other council policies.		

Step 8 - Monitor, review and improve