



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Council 8 July 2025

Wards affected: All Wards

Care Experience – Protected Characteristic

Report of Director (Community Services)

1. Purpose of report

- 1.1 To propose the Council adopts care experience (i.e. those people who have been in the care system) as a protected characteristic to redress inequalities faced by care experienced young people.

2. Recommendation

- 2.1 Council notes the contents of the report and the disadvantaged position people with care experience can face when accessing services.
- 2.2 Council agrees to care experience being treated by the Council as a protected characteristic.

3. Background to the report

- 3.1 The independent review of children's social care led by Josh MacAllister, published a final report and recommendations in May 2022 that included:
- Government should make care experience a protected characteristic.
 - New legislation should be passed which broadens corporate parenting responsibilities across a wider set of public bodies and organisations.
 - Many care experienced people face discrimination, stigma, and prejudice in their day to day lives. Public perceptions of care experience centre on the idea that children are irredeemably damaged and that can lead to discrimination and assumptions being made.
- 3.2 In the absence of government legislation, a growing number (over 100) local authorities and other public organisations have adopted care experience as a protected characteristic alongside other statutory protected characteristics.

- 3.3 As a council we already have corporate parenting responsibilities to care leavers and have signed up to the County Care Leavers Promise (Appendix A). The Care Leavers Promise supports care leavers in housing, council tax and access to sport, leisure and physical activity programmes. The council also work in partnership around areas such as housing and are signatories to the Care Leavers Housing Protocol.
- 3.4 Whilst the council supports care experienced young people as outlined above, it is recognised that those with care experience can often face discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system.
- 3.5 Some of the ways that care experienced young people face discrimination include:
- Lack of trust – care experienced young people may have a deep-rooted mistrust in systems or institutions born out of their experiences of the care system. This could result in hesitancy or difficulty in seeking out and accessing necessary services.
 - Social networks – these provide valuable information, resources and emotional support. Care experienced young people might lack these networks due to broken familial relationships or frequent relocations. This can make navigating systems more challenging and isolating.
 - Family guidance – individuals who have grown up in care often lack the family guidance that many take for granted. This could be advice on filling out forms, understanding services and options available or having the support of a family member when facing a difficult or intimidating process.
 - Social mobility – care experienced people can face significant challenges when it comes to social mobility. The hurdles they face in education, employment and housing can limit their ability to advance socially and economically.
- 3.6 The Public Sector Equality Duty requires public bodies, such as councils, to have due regard to unlawful discrimination, harassment, and victimisation of people with protected characteristics. It is for these reasons that it is proposed that the Council joins the increasing number of Local Authorities who have already done so and adopts the policy of treating care experienced individuals as a protected characteristic.
- 3.7 If adopted, the Council will treat care experience as if it were a Protected Characteristic so that future services and policies made and adopted by the Council would be assessed in line with our Equalities Policy to determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic.

4. Exemptions in accordance with the Access to Information procedure rules

- 4.1 To be taken in public session.

5. Financial implications (AW)

5.1 None directly from this report

6. Legal implications (JS)

6.1 The Equality Act 2010 is intended to eliminate discrimination and specifically references nine protected characteristics for that purpose, including (but not limited to) age, disability, race and religion.

6.2 The Children and Social Work Act 2017 addresses the corporate parent principles and the duties of the local authority, in addition to the related duties under The Children Act 1989. Acknowledging a personal characteristic, such as care experience, as being akin to a protected characteristic furthers the principles of the Equality Act in the absence of legislative change and the addition of a further protected characteristic.

6.3 The proposal contained in this report should be reviewed in the event that legislation is introduced to add care experience as a tenth protected characteristic to the Equality Act 2010.

7. Corporate Plan implications

7.1 Contributes to the People priority in the Corporate Plan.

8. Consultation

8.1 None at this point. To engage with care experienced young people to embed this approach.

9. Risk implications

9.1 Management of significant (Net Red) risks

Risk description	Mitigating actions	Owner
Officers don't consider care experience as a protected characteristic when considering changes to services/new policies.	Update Corporate Equalities Policy and training to reflect inclusion of care experience as a protected characteristic.	Julie Kenny
	Refresher Equalities training for all officers and staff to be informed of changes to equalities policy.	Julie Stay
	Inform staff of care experience being considered a protected characteristic via middle manager and Chief Exec all staff briefings	Rachel Burgess

10. Knowing your community – equality and rural implications

10.1 The report has taken into consideration the disadvantaged position of care experienced people and recommends adopting the protected characteristic as outlined in 2.2.

11. Climate implications

11.1 No climate implications

12. Corporate implications

12.1 By submitting this report, the report author has taken the following into account:

- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Human resources implications
- Planning implications
- Data protection implications
- Voluntary sector

Background papers: Appendix A Care Leavers Promise

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