**Number Ten?!**

**Making care experience the 10th protected characteristic under the Equality Act**

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*“You're seen as troubled, seen as defiant, angry or all these, like all this negativity.”* This powerful quote from a care-leaver who took part in a study published in this issue of Adoption & Fostering (Young, Melia & Chance-Lawton, 2024, page 14) highlights some of the stigma faced by care experienced people. The study interviewed care leavers about the perceived barriers of accessing mental health support during their teenage years. Other quotes within this study also highlight the discrimination care experienced people are facing:

*“Nobody knew I had issues. Or maybe they did and they just left it because it’s so badly frowned upon if you’re a care experienced person who has mental health.”* (page 11).

*“Like I wasn't normal as a person because I had all these issues, and it was kind of like I had to contain myself to societal norms, in order to be treated with respect by my peers.”* (page 12).

Sadly, care experienced children, young people and adults are too often subject to stigma and discrimination as highlighted by other studies published in Adoption & Fostering in recent years:

*“I don’t like to say anything … people treat you, I feel like people completely like change their attitude around you, like if they know you are in foster care. People know that I’m in foster care. Not all the time they treat me badly but some of the time they do.”* (Dansey et al., 2019, page 37)

*“People thought I would be a bully or a liar … because I had a different start in life and that means my parents were really bad … apparently children take after their parents [and] what their parents teach them to do so they thought I was taught to be like it.”* (Best et al., 2021, page 371).

*“There’s another stigma attached to being in care which is the ‘Oh, if you’re in care then you end up in prison, you’re going to end up on drugs, you’re not going to amount to anything …”* (Eldridge et al., 2020, 160).

These experiences were echoed in the *independent review of children’s social care* (MacAlister, 2022). In addition to direct forms of discrimination, the report also highlighted potential indirect forms such as the portrayal of care experience in the media or the way it is discussed at school or places of work. Some negative consequences of this prejudice, stigma and discrimination may be refusal of employment, lack of success in education and questioning a care experienced person’s parenting skills. One key recommendation of the report was to make “care experience” a protected characteristic under the Equality Act (*2010*).

The report (MacAlister, 2022) pointed out similarities between the level of discrimination faced by care experienced people and groups protected under the Equality Act. Currently, protected characteristics include age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, and sexual orientation (*Equality Act 2010*). Put simply, the characteristics included in the Equality Act are protected from discrimination in employment, services, authorities or membership associations and considered in equal pay claims (*Equality and Human Rights Commission*, 2021). For instance, the Equality Act can be enforced to change a company’s policy as was the case for Mrs Eweida who faced religious discrimination.

The employee of a British airline was not allowed to wear a visible Christian cross with her uniform. Using the Equality Act, she could prove that this violated her right to religious freedom resulting in a subsequent change of the airline’s policy (*Equality and Human Rights Commission*, 2021).

It should be noted that the *independent review of children’s social care* also expressed some concern that protected characteristic status could unintentionally increase stigma. While the report asked the government to reflect on these concerns, it held the view that an amendment of the Equality Act was a necessary step. Given that care experience constitutes a hidden characteristic, the report pointed out that decisions around its disclosure would be made by each affected person individually (MacAlister, 2022).

In addition to legal protection against discrimination, care experience would further be included in regular reports by the Equality and Human Rights Commission, the independent body which enforces the Equality Act. Their report outlines progress and gaps with regard to equality on any of the protected characteristics across relevant domains including education, work, living standards, health, justice, security and participation in society (Equality and Human Rights Commission, 2023). For instance, for sexual orientation, the latest report showed good results for gay and lesbian adults regarding the labour market. People with same sex or bisexual orientation, but particularly women and bisexual adults, however experienced more problems with regard to physical and mental health. They were also more likely to have fallen victim to rape or domestic abuse in the past year, and to face difficulties with poorer living conditions or safe and secure housing. If included in the act, similar reporting would be available for care experienced people and could influence policy and practice.

The reform plan in response to the *independent review in children’s social care* published by the then Conservative government however did not include a plan for making care experience a protected characteristic (Department for Education, 2023). Since then, campaigners for this change have reported that local councils have voluntarily voted to “treat care experience as if it were a Protected Characteristic” (Galloway, 2023, page 20). This includes a commitment of considering care experience in Equality Impact Assessments and the publication or review of Equality Objectives. So far, at least 78 councils have passed similar motions (*Care Leaver Local Offer*, 2024).

Ahead of the national election in July 2024, only the manifesto of the Liberal Democrats included a pledge to add care experience to the Equality Act (Liberal Democrats, 2024), while the Labour manifesto did not include a similar commitment (The Labour Party, 2024). With the recent change in government from a Conservative to a Labour government and the rising number of councils adopting care experience as a protected characteristic, maybe there still is an opportunity for change. Maybe, Number Ten could make care experience the 10th protected characteristic and by doing so the United Kingdom could become the “*first country in the world to recognise care experience as a protected characteristic*” (MacAlister, 2022, page 11).

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