



## Response to the Consultation on the New National Health and Social Care Standards

Who Cares? Scotland

[www.whocarescotland.org](http://www.whocarescotland.org)

JANUARY 2017



Who Cares? Scotland [WC?S] is an independent advocacy and campaigning organisation working with care experienced people. We provide direct advocacy to care experienced young people, as well as opportunities for national and local participation. WC?S aims to provide care experienced young people in Scotland with knowledge of their rights. We strive to empower them to positively participate in the formal structures they are often subject to solely as a result of their care experience. At WC?S we utilise the voice of the care experienced population of Scotland to inform everything we do as an organisation.

## Introduction

The new National Health and Social Care Standards are a set of standards for care and health services in Scotland. They are intended to be appropriate for a wide variety of people from children in nurseries, to young people in care, to elderly people in care homes. They aim to help everyone understand what they can expect when they access health and social care services. They also help services understand the quality and standards of care that they should provide. The standards are one of the measures by which the Care Inspectorate and Healthcare Improvement Scotland assess the quality, safety and effectiveness of care. As the Standards had not been reviewed since 2002, Scottish Ministers committed to this review in line with current expectations of compassionate, high quality, safe and effective care.

The new Standards have been developed by a group of organisations representing people using services, unpaid carers, social care providers and commissioners of care. There have also been focus groups with individuals who use care services.

The new Standards are based on human rights and the wellbeing of people using services. The principles which underpin the standards reflect this:

- Dignity and respect
- Compassion
- Be included
- Responsive care and support
- Wellbeing

The following document encapsulates what care experienced children and young people told us and what we submitted to the consultation on their behalf.

**PLEASE NOTE: We will refer to statements throughout the Standards by their number. Throughout this response, there is a mixture of suggested changes, as well as concerns about how Standards will be implemented. As you read through this consultation response you might find it useful to have a copy of the Standards to refer to. Please click [here](#) or go to [goo.gl/tGBipR](http://goo.gl/tGBipR)**

## Who we spoke to

To represent as many care experienced voices as possible within this consultation response we provided opportunities for young people to comment in a variety of formats; from one to one discussions with their individual workers, to participating in focus groups. We spoke to a total of **76 children and young people between the ages of 8 and 26**, with experience of a range of care placements across Scotland.

Age	Male	Female	Total
<b>8-10 years</b>	1	0	1
<b>11-13 years</b>	3	3	6
<b>14-16 years</b>	14	11	20
<b>17-19 years</b>	10	11	15
<b>20-22 years</b>	4	13	13
<b>23-26 years</b>	2	4	4
<b>Total</b>	34	42	<b>76</b>

## What we asked

Through a combination of conversations and creative methods we spoke to care experienced children and young people about their experiences of care, focusing on:

- People
- Place
- Process

We recognised that the conversations could potentially expose confidential information which was inappropriate to collect and discuss in group settings. All discussions were therefore led by an experienced Advocacy and Participation Worker or Development Officer who utilised well tested, creative methods in their facilitation, as well as keeping conversations safe.

**Q1: To what extent do you think the Standards will be relevant and can be applied across all health, care and social work settings?**

From our consultation activity, it is apparent that the Standards are welcomed and largely supported by the group of care experienced children and young people we spoke to. There was wide agreement that the Standards are necessary, not only to ensure professionals understand what is expected of care, but also to ensure children and young people are aware of what they should experience when living in care.

While many agreed that the Standards were necessary, some children and young people we spoke to felt that the Standards were too long and difficult to understand. For those individuals, this had the effect of rendering the Standards unhelpful to them. If the Standards are to be helpful to all, care must be taken to ensure the main document is as accessible as possible. We believe it should be complemented by additional, easy-read versions, or different types of resources such as films or posters.

While the Standards are largely relevant to 'care' across many settings, there are some individual areas which require further discussion when applied to the care of children and young people. The inclusion of *Standard 7: And if I am a child or young person needing social work care and support*, is essential in asserting specific expectations based on the necessary actions that will ensure a child is supported to thrive emotionally, psychologically and physically, in a nurturing, loving way.

**Q2: To what extent do these Standards reflect the experience of people experiencing care and support?**

Largely, yes, the Standards reflect what children and young people want or should expect from care. Some young people we spoke to felt that the Standards helped them to recognise what they should be experiencing and helped them question the level of support or care they are currently receiving. This is important in ensuring young people in care can address any concerns they might have about their current care and support.

Many of the comments made by children and young people throughout this consultation highlight the frustration they can experience when they disagree with, or don't understand a decision that is made. While the decision might be in their best interest, an individual's frustration around this can be alleviated if they are involved in decisions and then are supported to fully understand why that decision has been made.

While many of the Standards reflect the experience of the children and young people we spoke to, some of the individual statements are deficit based in their articulation. For example, within Standard 7, statement 7.22 reads:

*I am supported to become increasingly safe from neglect, abuse, grooming and sexual exploitation, self-harm, bullying, misuse of drugs or alcohol and going missing.*

Rather than listing the types of harm a child or young person in care might experience, we believe this could be articulated in a different way which is in keeping with the rest of the Standards. We discuss this further below.

**Q3. Standard 1: I experience high quality care and support that is right for me. To what extent do you think this Standard describes what people should expect to experience from health, care and social work services?**

Most of the group of care experienced children and young people we asked to consider this standard did not like the wording of it as they believed it sounded too formal. It was proposed by the group that 'high quality' could be replaced with a synonym such as 'excellent'.

**Dignity and respect**

1.1 – In order to align itself more closely to the protected characteristics within the Equality Act 2010, statement 1.1 would benefit from being altered to read:

*I am accepted and valued whatever my needs, disability, gender, sex, age, health status, mental health status, race, background or sexual orientation.*

**Compassion**

Some of the young people we spoke to struggled to understand what the word 'compassion' meant in this context and how they might feel it in practice. When explored, they were encouraged by its inclusion, but concerned by the wording.

1.8 – WC?S believes that when a child is taken into care they need to be able to access a wealth of opportunities, including those that may have not previously been available to them. We think that all care experienced children and young people need to be supported and encouraged to realise their life goals. Unfortunately, we hear too often of young people being encouraged into further education courses or jobs that are gendered, low paid and with few routes for progression. This may simply be because the individual meets the entry requirements and has displayed a little interest in the area. Good parents would want their children to find real happiness and life purpose and we think good carers should want the same.

The young people we spoke to were strongly supportive of the inclusion of statement 1.8 but found the wording very confusing and difficult to interpret what this would mean in practice. We would suggest that this statement is adjusted to:

*I am supported and encouraged to achieve my potential because the people that support and care for me believe in me, have high hopes for me and want the best for me.*

1.10 – The young people we spoke to were supportive of the inclusion of this statement, however they agreed that group size is a difficult decision to make a judgement on. Regardless of this, they believed that each individual young person will have a different preference and so consultation about group size should happen more regularly with children and young people in care.

## Be Included

1.12 – This statement was popular with the young people who looked in detail at Standard 1. They recognised the importance of young people getting involved in everyday tasks, if this means housework, cooking, etc. However, statement 1.12 could benefit from clarity around what ‘everyday tasks’ and ‘running of the service’ means.

## Responsive Care and Support

1.13 – When discussed, the young people we spoke to were happy with this statement, however the articulation and wording used meant that they struggled to understand without support.

1.15 – For care experienced children and young people, statement 1.15 could apply to a range of different individuals. This statement was supported fully by the young people we spoke to however they held concerns about whether this is a reality for all carers that a young person might stay with. There was discussion about how readily, or thoroughly this would happen with a kinship carer such as a gran or an aunt and uncle.

1.16 – The young people we spoke to were content with the wording and intention of this statement. However, one individual felt that this statement has a responsibility to address the possibility of a young person having to wait for suitable care or support, and the impact this can have. Statement 1.16 might benefit from including the following statement:

*If I am forced to wait until suitable care is identified, I will be supported fully to ensure there is no negative impact on me.*

1.25 – We know that young people are sometimes given very little notice between transitions. This can make it difficult for them to assess their own feelings about a decision and be involved in the decision-making process. One young person told us:

*“Once I was told like the day before I had to leave, they barely gave me enough time to pack let alone process it.”*

WC?S suggests that this statement is amended to ensure it is clear that individuals need to be involved in decisions about moving between services and that the timing suits them. We think that the statement should read:

*I am supported to be involved in planning when I am moving between services and I help inform the decision about when I am ready to move.*

## Wellbeing

1.34 – While the young people we spoke to fully agreed with this statement and its intention, they were concerned that this does not happen often enough and so is an unrealistic aim for many children and young people in group living situations.

**Q4. Standard 2: I am at the heart of decisions about my care and support. To what extent do you think this Standard describes what people should expect to experience from health, care and social work services?**

**Dignity and Respect**

2.2 – The care experienced children and young people who were supported to comment on this Standard liked the aim of this statement. They suggested that individuals would also benefit from being encouraged and assisted to keep and maintain personal information in a file that they have control over. One young person told us:

*“I should get the paper work but I think it should be written so I can understand. I like to keep a folder of things and get staff or my advocate to look at this [with me] ... I need to know what’s going on and what’s going to happen. I need to know what choices I have.”*

WC?S believes that statement 2.2 should be separated into two; one focusing on receiving and maintaining information and one on independent advocacy:

*I receive information in a format or language that I choose and I am supported to understand and keep this information in a safe place.*

*I know what independent advocacy is and I am supported to access it if I want to understand my rights or get support to express my views.*

WC?S recently conducted a piece of research into the use and understanding of independent advocacy by young people and stakeholders.<sup>1</sup> We discovered that while the majority of stakeholder respondents believed themselves to have a moderate understanding of advocacy, only a small amount were able to correctly describe what it involves. Some professionals misunderstood advocacy to be an advice service, WC?S is therefore concerned that including advice and independent advocacy in the same statement will only perpetuate the confusion.

**Be Included**

2.9 - Care experienced children and young people tell us that they want to be able to continue relationships they have built with the people who have looked after them, once they leave. WC?S suggests an additional statement should follow statement 2.9, which reads:

*If I move on from a service, I should be able to continue relationships with those who provided my care and support, if this is safe and I decide I want to do so.*

We know that children and young people are often required to miss school to be involved in meetings where important decisions are made about their care and support, such as to attend a Children’s Hearing. We believe that the Standards offer an opportunity to prevent this from happening, where possible. We believe that children and young people should always be involved

---

<sup>1</sup> Who Cares? Scotland, 2016. ‘Advocacy Matters: an analysis of Stakeholder views’. Copy available on request.

in decisions about their care and support and the decision making should therefore happen at a time that suits the child or young person. Children and young people have both a right to attend their Children's Hearing and a right to education. These are equal rights and one should not override the other.

We therefore suggest that the following statement is added to the Be Included section:

*Decisions are made about my care and support at a time and place that suits me and if I attend school, meetings take place around my timetable.*

## **Wellbeing**

2.15 – WC?S believes that all care experienced children and young people should be able to make choices about day to day aspects of their lives. However, we know that there can be rules within their placement that prevent them from doing so. One young person told us:

*"I'm not allowed to wear what I want, even shorts in summer. Staff tell me it's because there are boys in the unit but the other young people don't care. I think it's just the staff who are uncomfortable with what I wear."*

It was suggested by the group that sometimes parents might help children and young people decide what to wear and advise them that some outfits might not be suitable. This was also discussed in reference to food choice and on the whole the group decided that children and young people should be able to choose what they eat. However, it was also suggested that some might need guidance on nutrition and may need to be supported to make healthier choices. One young person told us:

*"When I was underweight I got a lot of help with that and staff would help me make the right choices but now I am overweight and struggling to eat healthy and I don't get any support."*

The group suggested that statement 2.15 should encourage individuals to make their own decisions with support if necessary. WC?S suggests that this statement is edited to:

*I am encouraged and guided to make informed choices and decisions about all day to day aspects of my life, including managing my own money, how I dress, what I eat and how I spend my time.*

**Q5. Standard 3: I am confident in the people who support and care for me. To what extent do you think this Standard describes what people should expect to experience from health, care and social work services?**

## **Dignity and Respect**

3.3 – Caregivers must understand what prejudice and discrimination are and know how to recognise and confront examples of both. WC?S also believes that children and young people should be assisted to recognise examples of discrimination and bullying, either by them or towards them. They should then be supported to address this appropriately.

Statement 3.3 could be improved to take account of the necessary work that should be undertaken to help care experienced children and young people identify examples of prejudice and discrimination. By educating children and young people on their rights and any discrimination or prejudice they face, they will be in a better position to recognise and challenge this throughout their lives. The best way to ensure children and young people do not face rights abuses, is to ensure they are equipped to recognise when this is happening. WC?S therefore recommends that statement 3.3 becomes two statements:

*I am supported and cared for by people who challenge discrimination and bullying and stand up for me and my rights if I need this.*

*I am supported to understand my rights and recognise examples of discrimination and bullying and I know how to address these if I want to/it is safe to.*

3.4 – Care experienced children and young people tell us that they want the people that look after them to get to know them individually. They tell us that they worry that the professionals and carers around them, think they know them just because they have read their files. One young person told us:

***“People I work with need to get to know me on a deeper, more personal level and not just from paperwork that they read on me, or them being able to say they have ‘known’ me all my life. If you don’t take the time to get to know me, then you don’t know me. I am not a pile of paper.”***

We suggest a slight amendment to statement 3.4 to read:

*I am treated as an individual by people who take the time to understand me, build relationships with me and recognise that my views, lifestyle and choices may change.*

### **Compassion**

3.7 – We know that care experienced children and young people want to have positive relationships with the people who care for them. Young people tell us that those caring for them should be aware of what children and young people are missing because they are looked after. What is missing, is often, love. WC?S believes that relationships between carers and children and young people should be allowed to develop organically. We know that unconditional love cannot be forced, however we believe it should be accepted and encouraged. Children and young people should live in a place where the conditions allow love to develop and grow, rather than stifle and avoid it. One young person explained:

***“I want to feel and be told that I am loved. But I don’t want things to be fake, like sunshine and smiles. I want people to be real and honest.”***

WC?S believes that there is an opportunity within Standard 3 to allow and encourage carers to form loving and trusting relationships with the individuals they care for. We think this will be possible if this statement is revised to:

*I can build genuine relationships with the people who support and care for me in a way that we all feel comfortable with and these relationships feel honest, trusting and loving.*

### **Be Included**

3.10 – Care experienced children and young people tell us that they often feel closer connections with some workers over others. We know that frequently care experienced children and young people are allocated a key worker without being involved in the decision or are unable to request a change. One young person told us:

***“Having a key worker you actually like makes everything so much easier especially as you are meant to have one-to-one time with them and talk about personal stuff.”***

WC?S believes that there is an opportunity within statement 3.10 to give children and young people more choice in who their key worker is. We therefore suggest adapting this statement to read:

*If I have a key worker, I should be involved in deciding who that person is, where possible. If I do not feel comfortable with my key worker, my views will be heard and taken account of.*

3.11 – Most of the care experienced children and young people who looked at this standard in detail agreed with this statement. However, they also suggested that it is important for children and young people to understand what people are talking about around them, in addition to communicating directly with them. One young person said,

***“I hate it when you’re in the same room as a couple of staff and they start whispering to each other, probably about me.”***

WC?S believes that it is important for caregivers to ensure that they involve those they are caring for in their conversations and never purposefully exclude them, or make the individual feel like they are being excluded. We therefore suggest that statement 3.11 is slightly amended to read:

*I can understand the people who support and care for me when they communicate with me and around me.*

3.12 – The care experienced children and young people who considered this statement suggested that it presents the actions that good parents would take to ensure their children are included and can access opportunities. It was suggested by some young people that carers also have a responsibility to help develop children and young people’s knowledge about world news and current affairs:

***“We should be part of wider society not just someone in care because that makes us feel different. Staff need to make sure that young people are connected in the wider world and understand what’s happening in the news and politics and have grown up discussions with us so we make our own opinions.”***

We propose that statement 3.12 is amended to read:

*I am supported to be part of the local community, to enjoy family life and to develop interests and my own opinions, if this is what I want.*

3.13 – Some care experienced children and young people have told us that they do not believe the rules in their placement are clear. Some have commented that they do not believe rules are reliably upheld by other young people or carers. One young person told us:

***“The rules aren’t clear and staff aren’t always consistent, at times I am treated different to other young people.”***

Statement 3.13 should express the individual’s right to understand what the rules and boundaries are and allow them to have an input in setting them. To take this into account the statement could be revised to the following:

*I experience appropriate and consistent boundaries, guidance and care, which I am helped to fully understand, and I am given opportunities to discuss this if I want.*

### **Responsive Care and Support**

3.15 – WC?S agrees it is fundamental that professionals and carers understand the needs, choices and wishes of those they are supporting and caring for. Young people tell us that they need staff to be aware of their needs and recognise differences in a positive and helpful way. One young person told us:

***“I am the only black person in my unit and I do feel that they respect me and how I live. But I had to ask for a specialist barber after they got me a really bad haircut... it was embarrassing.”***

We also believe that professionals and carers should be culturally sensitive and/or be knowledgeable about the beliefs of a child or young person. One young person told us that the best possible environment is created when:

***“People are similar and have the same religious background.”***

WC?S suggests that following statement 3.15 another statement is included which reads:

*I am supported by people who understand my needs and respect my culture and/or my religious or personal beliefs.*

3.20 – We discussed information sharing and consent with a group of young people and several felt that all the adults in their lives know everything about them. The group agreed that all young people should be entitled to privacy, especially relating to medical issues they can manage alone. One young person said:

***“People are always there listening to private information, like in the doctors.”***

The young people we discussed this with felt very strongly that young people need to understand information sharing processes and be included as much as possible. While information sharing is crucial to safe and consistent support, young people can resent it when they do not understand the rationale behind it. WC?S believes that statement 3.20 should directly mention information sharing. We suggest that the statement is amended to read:

*My care and support is consistent and stable because people work together well and I understand how and why information about me is shared.*

**Q6. Standard 4: I am confident in the organisation providing my care and support. To what extent do you think this Standard describes what people should expect to experience from health, care and social work services?**

### **Dignity and Respect**

4.1 – The care experienced children and young people who considered Standard 4 told us that the meaning of statement 4.1 was not clear. WC?S suggests that this statement is altered for clarity. An example of wording could be:

*I believe the organisation that supports and cares for me always puts my human rights and best interests first. I also believe that the organisation does all that it can to challenge inequalities.*

Several young people were unsure as to what human rights the statement referred to. It was suggested by the group that the final document should include simple and accessible information on human rights.

### **Be Included**

4.4 – Care experienced children and young people should be included in decisions about their care at all levels, from personal decisions to those at organisational level. One young person commented:

***“Young people need to be listened to and our views taken into to account before decisions are made.”***

We believe that for a care provider to be the best it can it should talk to those that use its services. Children and young people should always be encouraged to understand how the organisation is run and where it is moving. Involvement of children and young people must be meaningful which often means meeting their needs at their level. WC?S suggests amending this statement to:

*I am aware of the organisation’s aims and I am encouraged to be meaningfully involved in decisions about how it works and develops.*

4.5 & 4.6 – The group of young people who discussed this standard were generally positive about the statements under the inclusion principle. However, many felt that the organisations who

provide their care should do more than allow involvement of young people and receive their feedback. Comments from the group included:

*“Sometimes you get the illusion of partnership but you are not actual partners.”*

*“We often get told what they think we want to hear. The feedback is sometimes just lip service.”*

*“As it’s our home and your work place, we should have more say.”*

WC?S believes that statements 4.5 and 4.6 read well as they are, however implementation of the Standards will be crucial in ensuring such concerns are addressed.

### **Responsive Care and Support**

4.16 – We know that young people are often hesitant to make a complaint because they are concerned about the consequences. Young people have told us that they do not always feel confident that their complaint will be taken seriously by professionals/carers or passed on to the relevant person. WC?S believes that all care experienced children and young people should be aware of complaints procedures and offered support from an external party such as an independent advocate if they would like assistance filing their complaint. One young person suggested:

*“It is good having someone like a Who Cares? Scotland worker to help your voice be heard when you aren’t that confident or you are scared.”*

WC?S believes that for this statement to reflect the needs of children and young people in care it should be amended to read:

*I know how to make a complaint or raise a concern about my care and support and I am made aware of independent advocacy support.*

**Q7. Standard 5: And if the organisation also provides the premises I use. To what extent do you think this Standard describes what people should expect to experience from health, care and social work services?**

### **Dignity and respect**

5.1 – The majority of young people we spoke to about this Standard told us that they thought the appearance of where they live is really important. Young people told us that they want the environment to feel homely with comfortable furnishings and for it to reflect the resident’s needs, interests and personalities:

*“I want to feel safe but the place needs to be homely. It should look nice and be comfortable and look like I live there. We should have a say in how the place is decorated...The door on our Unit is steel, not sure about that, but it looks like wood.”*

This young person suggests that the safety of their home is a priority, however, the appearance should be the same as any other home.

Care experienced children and young people told us that privacy is important to them within their home. They want to be able to access private space at all times and not have to ask for permission, within reason:

***“I don’t get any privacy just to talk to my peers, the staff are always in the same room and following us about.”***

WC?S believes that there should be a statement solely focusing on privacy within Standard 5, for example:

*I can choose to access private and quiet areas alone and with other people when I want to.*

Provided they are safe, ensuring that young people can access private spaces and build relationships with their peers is a natural and crucial element of building family-like bonds and independence. While professionals will want to ensure the young people in their care are safe at all times, the impact of feeling ‘supervised’ must be recognised.

5.2- Access to outdoor space is also of importance to care experienced children and young people; they told us that they want a safe and fun area that is well maintained. The group commented that they would not use the term ‘outdoor space’ and instead think that it should be referred to as a garden. The group also discussed garden furniture and toys and stated that the young people should be able to choose what is in the garden. Young people told us that they often have to ask to access the garden and are sometimes made to feel that it is an inconvenience to carers. It was suggested that the statement should say residents can ‘easily access’ rather than ‘use’.

5.6 – Most care experienced children and young people we discussed CCTV with did not feel that it is necessary within residential houses. Young people told us that they wanted to be involved in the decision before CCTV is installed:

***“I am unsure about the new CCTV that’s outside. We are getting a new unit so I hope they will come and ask us what we would like.”***

Some young people also told us that they would prefer the CCTV cameras to be discreet:

***“I don’t want to remember I’m being watched all the time, doesn’t make it feel like home does it?”***

WC?S believes that this statement should set expectations for individual’s views to be recognised and respected when CCTV is used, including where cameras are placed, how they look and who has access to footage. The overwhelming feeling from young people with regards to CCTV was primarily about being included and involved in decision making around its use.

## Compassion

5.8 – Care experienced children and young people believe that their environment should be homely. Many were keen to point out that what is homely for young people will be different than what their carers deem as being homely:

*“This unit doesn’t feel like a home. We aren’t allowed to use our mobiles in the communal area, if we lived at home or even with carers we would be allowed to use our mobiles in the living room.”*

WC?S believes that young people should be encouraged and supported to decide on and then regularly revise house rules. It is vital that young people and the people looking after them understand what is expected of each other and the environment they live in. One young person told us:

*“At my last home I could do things like sit on the edge of the couch and put my feet up on it but here it’s strict and I’m not allowed.”*

It is important that children and young people can relax without constantly worrying about breaking rules. We know that many children and young people experience several placement moves. We believe that the placements should reflect their needs, not the other way around. We suggest that this statement is revised to:

*I experience care and support in an environment that I think is homely and I can relax in.*

## Be Included

5.13 – Most people take feeling included and accepted in their community for granted. Unfortunately, care experienced individuals are still struggling for acceptance in many communities across Scotland. Such examples of prejudice extend to protests by communities against children’s homes being built.<sup>2</sup> We all have a role in challenging this prejudice and discrimination and presenting the public with a positive, realistic understanding of care and the young people who are looked after within it. WC?S believes that the Standards present an opportunity to ensure organisations positively engage with communities and open up opportunities for care experienced children and young people. We therefore suggest that 5.13 is separated into two statements:

*The location and type of premises enable me to experience care and support free from isolation.*

*I feel accepted and valued within my community and I am encouraged and supported to be an active member of my community.*

---

<sup>2</sup> In 2015 residents in a small community in Musselburgh campaigned against a six bedroom children’s home being built on park land this involved a petition and public meetings. See - [http://www.eastlothiancourier.com/news/musselburgh/13592683.Controversial\\_Lewisvale\\_children\\_s\\_home\\_plan\\_is\\_dropped/](http://www.eastlothiancourier.com/news/musselburgh/13592683.Controversial_Lewisvale_children_s_home_plan_is_dropped/)

5.14 – Digital inclusion is an important aspect of 21<sup>st</sup> Century life and provides a huge range of benefits to individuals in terms of social, cultural and economic development<sup>3</sup>. Young people tell us that feeling connected with their friends and family and the wider world through the internet is essential. Some young people we spoke to had poor technology facilities and this can make them feel out of touch with their peers and in some cases, isolated from wider society:

*“We don’t have Wi-Fi in our unit. I think this is important as most of us have some sort of technology. We also sometimes need the internet for our homework. We do have a computer but only one and it’s really old.”*

WC?S suggests that this statement is split in two and is more specific about internet access. In addition to the current phrasing of 5.14, we suggest adding another statement which says:

*I can access reliable Wi-Fi across the premises without supervision, where this is appropriate.*

5.15 - Care experienced children and young people told us that they are often not allowed to access rooms such as the kitchen during certain times. For many individuals, especially those who are older and preparing for independent living, this is not only inconvenient but also conflicts with their escalating need to learn life skills. WC?S suggests that this statement is reworded to the following, for clarity:

*I can independently access all parts of the premises I use, including the kitchen, and the environment has been designed to promote this.*

## **Wellbeing**

5.21 - For many young people, moving to a residential home is their first experience of communal living. This can be a loud, active and sometimes intense environment that can feel hard to escape from. While this might often be unavoidable, WC?S believes that individuals living in communal settings should have access to a quiet space. This would be beneficial for mental health, holding private conversations and focusing on homework. We suggest that this statement is amended to the following:

*My private and shared spaces are relaxed, welcoming, peaceful and free from intrusive noise and smells. I can easily access a quiet room within the premises where noise levels are always at a minimum and I am free to relax or work in peace.*

5.25 – Some young people told us that while there are facilities in their residential houses specifically for creative and physical activities, their use of them can be restricted:

*“I think having quiet rooms, an art and craft room and an IT room is good, but the doors are not always open for you to use them. Also, the resources need updated and things like that.”*

---

<sup>3</sup> White, D. 2013. Across the Divide: Tackling digital exclusion in Glasgow.  
<http://www.carnegieuktrust.org.uk/publications/across-the-divide-full-report/>. Carnegie Trust Ltd.

WC?S believes that young people should be able to access these resources at any chosen point during their own free time. We therefore suggest that amending 5.25 slightly would promote this. We suggest that the statement should read:

*I am encouraged to explore and participate in a variety of creative and physical activities both by myself and in a group, including exercise indoors and outdoors and I can easily access them.*

5.30 – Care experienced children and young people sometimes ask their WC?S Advocacy and Participation Workers to help them request a pet. For a variety of reasons, these requests are sometimes refused by carers/management, leaving children and young people feeling not listened to or trusted. WC?S believes that this statement should include a clause requiring the service to justify their decision and reconsider the request should any determining factors change. We suggest that the statement is edited to:

*If I live in a care home and want to keep a pet, the service will try to accommodate my request. If it not possible for me to keep a pet the service will explain why this is and will review my request on a regular basis.*

**Q8. Standard 6: And where my liberty is restricted by law. To what extent do you think this Standard describes what people should expect to experience from health, care and social work services?**

### **Dignity and Respect**

6.1 – For children and young people to experience their human rights being protected they must first be aware of what their rights are. As a rights based organisation we aim to ensure that all children and young people we work with are aware of their rights and understand how to apply them in various circumstances. WC?S believes that statement 6.1 should explicitly include an intention to educate individuals on their rights. It was also suggested by care experienced young people that the final Standards document should contain accessible information on human rights.

6.2 – We know that most children and young people that display harmful behaviour have experienced trauma and harm in their own lives. One young person we spoke to told us:

*“I turned to getting into trouble as a way of communicating, like asking for help.”*

This young person reflected upon the difficulties that some children and young people have verbally communicating the problems they are facing. Therefore, it is vital to address their harmful behaviour appropriately as they will most likely have unmet wellbeing needs. It is important that these wider wellbeing needs are then met in a way that allows the child to realise and accept that the support is in place to meet their needs and not punish them for their behaviour. Every effort should be made to ensure that the child is not criminalised or labelled.

The young people we spoke to about this statement did not like the wording of it. They suggested that it endorsed punitive treatment of individuals whose liberty is restricted by law. However,

they agreed that it is vital individuals always understand the reasons behind the use of physical intervention, sanctions or incentives. The statement should be clear to state that physical intervention must only be used in exceptional circumstances.

6.3 – Young people tell us that when physical restraint is used, it is at a time in their lives when they are at their most vulnerable and it therefore needs to be done with sensitivity. One young person commented:

*“Restraining should only be used if absolutely necessary and as a last resort and staff need to be trained properly for this and they need to know that how they hold us can actually hurt... Staff also need to think about how they speak to people and the words they use.”*

We know that most young people who experience restraint view it as a form of punishment, which is often perpetuated by feelings of humiliation which can occur when they are restrained, especially if it happens in a shared space. While we are not suggesting any changes to this statement, we felt the views on restraint articulated by the young people we spoke to were important to include.

When we asked young people in secure care about dignity and respect, most of the group felt that being in secure care equates to a lack of dignity and respect. The group commented that they do not have any private time as they are aware that staff are required to make frequent checks on them. The group expressed that they understood the reasons for checks but believed that they could be done in a more respectful manner:

*“I want to agree to staff coming into my room, I don’t want them to just walk in.”*

The group also discussed privacy during phone calls, one young person recommended that:

*“Staff should respect supervised phone calls. They shouldn’t listen in or pass judgement.”*

We believe that maintaining connections with friends and family should be regarded as a priority for care experienced children and young people. For young people to feel confident and comfortable communicating with loved ones during supervised calls, we know that they need to feel the time is respected by their workers and that workers recognise the importance of it. Young people tell us that sometimes they want to choose who will supervise their calls and that they always want to know that their privacy will be respected.

WC?S suggests that there is an additional statement under this Standard ensuring that children and young people in secure care experience privacy when appropriate. We believe that this should be regardless of a young person’s behaviour. Our suggested statement is:

*I am entitled to privacy and the people supporting and caring for me respect and enable this.*

## Compassion

WC?S believes that compassion within secure care extends further than creatively managing behavioural issues. We believe that consideration of meaningful relationships and safe physical contact is missing from this part of the Standards. When we spoke to children and young people in secure care about this standard, they told us that they wanted to be able to create and maintain positive relationships with other young people. For most young people, physical contact is a part of building trusting relationships and something that they told us is often discouraged:

*“I get in trouble sometimes for talking or holding hands or something in class. They say that in normal school it wouldn’t be allowed. But you can’t compare in here to outside, it isn’t the same. Outside I would see my friend whenever I want and I could hug her whenever I want. In here I only get to see her in school.”*

This young person shared the difficulties she faces in attempting to maintain a friendship with another young person in secure care. The young people also discussed the contradictions in rules, as they saw it, as young people are allowed physical contact with professionals. One young person stated:

*“I can’t cuddle people I actually love. I am only allowed to cuddle staff.”*

With these comments in mind, WC?S suggests that the compassion value under Standard 6 is built upon to take into consideration the views communicated by this group of young people.

## Wellbeing

WC?S believes that there are additional wellbeing requirements for children and young people living in secure care that have not been considered within the Standards. WC?S believes that young people living in secure care should be encouraged to have autonomy surrounding issues affecting their own wellbeing such as personal hygiene and diet. One young person told us:

*“I don’t want to be forced to wash twice a day. I used to just take one shower a day, it’s better for my skin.”*

The young people in secure care who we discussed the Standards with felt that Standard 6 should also consider how young people can maintain their personal identity while in a restrictive environment. Young people told us that while in secure care they were often not allowed to dress how they like or how they would outside of secure care. One young person commented:

*“We’re not allowed things like hoodies and hats which is so unfair. I shouldn’t have to change what I wear. I’m basically not allowed things that make me feel like me, like fake tan and hair extensions. These are what I wear at home.”*

Lack of choice about other items such as foods and sanitary products was an issue that was raised multiple times. It was suggested by the group that professionals should be aware of their

individual needs and preferences and ensure that these are met and if it is not possible to do so, young people should be told the reasons why.

This section would benefit from inclusion of a statement which recognises the importance of maintaining and growing an individual's identity and sense of self.

**Q9. Standard 7: And if I am a child or young person needing social work care and support. To what extent do you think this Standard describes what people should expect to experience from health, care and social work services?**

### **Dignity and Respect**

7.1 – Young people tell us that positive relationships can be one of the most valuable things in their lives. When young people are removed from their families it is vital that they feel supported by carers who fulfil the role of a good parent. The group we discussed this Standard with commented that 7.1 sounds like something any parent would do for a child simply because they love them and want the best for them. However, the group agreed that the language used is not easy to understand and that they would prefer the statement to be written in 'everyday language'. For example, 7.1 could read:

*I am cared for by people who want the best for me, support me and make sure I can achieve whatever I want in life.*

Many young people in care, especially those living away from home, feel that their lives can sometimes lack dignity. While they are expected to treat adults in their lives with respect, it sometimes does not feel as though the same treatment is awarded to them.

### **Compassion**

Most care experienced children and young people become looked after following abuse, neglect, parental alcohol and substance misuse or due to having a severe disability that requires specialist care.<sup>4</sup> No journey through the care system is the same but the resounding effects of pre-care experiences, separation from birth families and being looked after makes them among the most vulnerable group in our society. Care experienced children and young people tell us that they do not want sympathy but need others to show them empathy. Strong, positive and long lasting relationships are what care experienced children and young people tell us are most important to them<sup>5</sup>. The group of young people we discussed Standard 7 with were happy to see that 7.2 mentioned making young people feel loved. However, there were general comments and disputes over the wording of several other statements.

---

<sup>4</sup> Scottish Government, About Looked After Children and Young People [online] <http://www.gov.scot/Topics/People/Young-People/protecting/lac/about>

<sup>5</sup> Who Cares? Scotland. 2014. Interpreting the Children and Young People Act: Care experienced young people's views. [www.whocarescotland.org](http://www.whocarescotland.org).

7.4 – Young people in care often feel that everyone knows everything about them and that the information is often misconstrued by others. Some young people in the group suggested that part of growing up and gaining independence is taking control over their own journey and life story. WC?S believes that information sharing can be integral to a successful care journey if done with sensitivity and only when necessary. Several young people suggested that 7.4 does not relay compassion due to the formal wording. Comments included:

*“I don’t think all the staff around me need to know everything about me, they don’t need to be ‘fully’ informed.”*

*“I think that this takes away from your dignity, knowing that everyone around you reads and knows everything about your life without you giving permission.”*

In addition to concerns about unnecessary information sharing, some members of the group felt that the statement was not considerate of how young people understand their life story. One young person said:

*“Why ‘my history’, not, ‘my life’, it’s just not how we speak. Also, it’s not separate, it’s not done; it’s ongoing.”*

Some young people tell us that when they are taken into care they feel as if a line is drawn between their time before care and entering care. Many feel as if more support is needed to help understand their history and to create a life story which they fully understand, own and can communicate to others, should they want to.

We suggest that statement 7.4 takes account of the views of these young people and is reworded to read:

*I am supported and cared for by people who are informed about my life and understanding what I am communicating.*

7.5 – There is limited research on the mental health and wellbeing of care experienced children and young people in Scotland which means that we must refer to findings from a national survey in 2004. The survey found that 45% of children and young people aged 5–17 looked after by a local authority had a diagnosable mental health disorder and amongst children aged 5-10 years, 52% had a mental health disorder, compared to 8% of their non-looked after peers<sup>6</sup>. WC?S believes that Standard 7 should respond to the high level of need and the vulnerability to poor mental health that care experienced individuals can face.

WC?S welcomes the recognition that care experienced children and young people’s emotional and mental health needs cannot be met without reference to the developmental impact of attachment and trauma. However, WC?S feels that this statement should be about helping, not about overcoming. Some young people suggested that 7.5 should place the responsibility on

---

<sup>6</sup> Meltzer, H, Lader, D, Corbin, T, Goodman, R and Ford, T (2004) The mental health of young people looked after by local authorities in Scotland, London: TSO.

carers to help young people what has happened to them rather than on the young people to 'overcome' it.

We know that when a child or young person enters care they may experience further trauma<sup>7</sup>. We therefore do not believe that the statement should refer exclusively to 'previous experiences of trauma' as all children and young people in care require ongoing mental health support and access to specialist services at any point.

To take these comments into account, statement 7.5 could be reworded to read:

*I am helped to address experiences of trauma and neglect so I am emotionally resilient and have a strong sense of my own identity and belonging.*

7.6 – For the young people we spoke to, the term 'low-key way', as it is used in statement 7.6, presented some issues. There was wide confusion around what the term meant and how it could be applied within the context of the statement, so much so, it was interpreted in completely different ways. We would suggest some thought is given to the rewording of 'low-key way' to take account of the confusion this led to.

7.8 – We know that a lot of care experienced children and young people feel stigmatised due to their care status and often feel isolated from their wider community. This can be due to a combination of frequent placement moves, a lack of consistent relationships and feeling misunderstood by others. Care experienced children and young people tell us that they do not want to feel different from their peers and struggle when they are singled out because they are looked after. Care experienced children and young people tell us that they want equality, not normality. The group of young people who looked at Standard 7 were in unified agreement that the adjective 'normal' should not be used within the standards. Comments from the group included”

*“If they say 'normal', it makes you feel like being in care is abnormal.”*

*“They can say are going to make your life as normal as possible but the reality of it is everything you need, or what you want to do has to be risk assessed. There are so many hoops to jump through which means your life isn't normal.”*

*“Every child should have a good upbringing, not a normal upbringing.”*

## **Be Included**

We know that there are often barriers preventing care experienced children and young people from fully engaging or being involved in decision making, however, we believe that these barriers can be removed if a child or young person is given the necessary support and encouragement. As an organisation providing independent advocacy, WC?S believes that all care experienced

---

<sup>7</sup> National Institute for Health and Care Excellence. 2010. Looked After Children and Young People: Public Health Guideline [PH28]. <https://www.nice.org.uk/guidance/ph28/chapter/3-considerations>.

children and young people in Scotland should know about, and be able to access, independent advocacy. This should include all care experienced young people, regardless of placement; both looked after at home and those who are accommodated away from home. The ‘independent’ element of this is critical because it ensures that the advocate has no conflict of interest and can focus on supporting the young person to understand their rights, explore their wishes and ultimately express their views. Independent advocacy is distinct from other types of advocacy as it is ‘structurally, financially and psychologically’ separate from service providers and other services.<sup>8</sup>

7.9 – The group of young people we discussed Standard 7 with were concerned that statement 7.9 is too prescriptive. While they agreed that children and young people in care should be encouraged and supported to make friends they did not think that the friends should necessarily be the same age:

*“It doesn’t make sense to me to say that we should only be encouraged to make friends with people our own age. Especially when you’re in care you are forced to mature a lot faster than other kids so you probably want to make friends with more mature kids.”*

There was no context to why the issue of same age friendships had been included, so the absence of this created genuine debate between young people, with some of them feeling that some friendships can be inappropriate, unsafe and unhelpful if there is an age difference. Others felt that children and young people should be encouraged to make friendships and that this shouldn’t focus on age. While it was suggested by some that there could be risks for some young people who make friends with individuals who are a different age group, on balance it was felt that this could be managed accordingly and on an individual basis. WC?S suggests therefore that this statement is amended to:

*I am encouraged and supported to make friends.*

7.10 – The UNCRC sets out that while the best interests of the child must be a top priority in all actions concerning children, every child and young person has the right to say what they think in all matters concerning them, and to have their views taken seriously. WC?S believes that this statement should prioritise the importance of the child or young person’s wishes and secondarily state that the child or young person should be supported to understand the reasons behind a decision if it conflicts with their own wishes. An example of possible wording could be:

*I am always supported and encouraged to be included in decisions about my care and support and if a decision is taken against my wishes I am supported to understand the reasons for this.*

7.11 – The group of young people who we discussed this Standard with felt that 7.11 should apply to children in all placements away from home, not exclusively foster care. While the group

---

<sup>8</sup>Scottish Independent Advocacy Alliance. *What is Independent Advocacy?* [online]  
<<http://www.siaa.org.uk/us/independent-advocacy/>>

suggested that there may be reasons for the focus on foster care they also suggested that any care placement should feel like family. One young person stated:

*“By only saying kids in foster care should be included in all aspects of family life it is excluding people in the being included section.”*

The group suggested that all types of care placements should try and make the young people feel like they are part of a family. WC?S believes that it is important for everyone to feel connected and be encouraged to build happy memories. It was suggested by a young person that:

*“Residential homes should keep photos up on the wall of kids who used to live there. In a normal family when someone moves out the parents don’t remove all evidence of them ever being there.”*

### **Responsive Care and Support**

Many care experienced individuals tell us that they do not feel that their families were given enough, or the right sort of support, which ultimately led to them being removed from the family home. Some individuals also tell us that they do not feel that they were given the option of reconciliation with their family while in care, even though it was what they wanted and they believe that it would have been successful:

*“My Mum didn’t have any physical problems or addictions, she was really just struggling emotionally and struggling to look after us all. I don’t think she was given enough support at all to look after us.”*

These feelings of regret and missed opportunities can leave an individual feeling resentful towards the care system. While it is not always possible for a child or young person to remain with, or return to, their immediate family we think that this section could be interpreted as not taking into account, those with the potential of returning home. This section on responsive care and support appears primarily focused on activity after a child or young person has been accommodated. The young people within the consultation felt that this Standard should address the forms of response and support you would wish to receive to maintain children and young people in their families and their communities. This section appears to unhelpfully focus on permanence planning for children, rather than the broad support needed within early and preventative supports. WC?S therefore believes that the section should begin with ensuring there is always an assessment of the possibility of children and young people being maintained in the family home or returning home.

7.14/7.17 - WC?S believes that it is important that the Standards are relevant to children and young people of all ages. It is therefore important that the language used within the Standards reflects that of children and young people. We know that young people talk about relationships rather than attachments, and we believe that the Standards would be more accessible to children and young people if this was mirrored. For example, 7.14 could read:

*I am cared for by people who can nurture me and build genuine, loving relationships with me and make me feel safe and secure.*

## **Wellbeing**

The wellbeing of a child or young person is the responsibility of all those supporting them. Carers also have the responsibility of ensuring children and young people can understand and manage their own wellbeing. This section demonstrates that the responsibility of children and young people's wellbeing lies with those who are caring for them. However, it does not consider the breadth of needs for good wellbeing, instead the section takes a deficit based approach to articulating potential threats to the wellbeing of a young person living in care. One young person from the group commented:

*"It's just a negative list that seems like the bad things someone in care could do, it's kind of stereotyping looked after kids."*

We are concerned that this section does not consider the wellbeing of children and young people who need social work care and support, in a holistic way. We know that care experienced children and young people are significantly more likely to experience mental and physical health issues than their non-looked after peers.<sup>9</sup> The wellbeing section would benefit from including more positive examples of wellbeing.

7.22 – The group of young people agreed that this statement was not constructive due to its negativity. One young person commented:

*"It could have stopped at 'safe', it isn't helpful listing these things."*

WC?S suggests that the list of dangers is removed and the statement is simply:

*I am kept safe by those caring for me and I am supported to keep myself safe.*

7.23 - We know that care experienced children and young people are more likely to go missing than their peers<sup>10</sup>. We support the aims of this statement and agree that young people who do go missing should be responded to with urgency and empathy. The young people we spoke to about Standard 7 did not think that having three statements about missing children was necessary. They suggested that they could be merged into one.

**Q10: To what extent do you agree these new Standards will help support improvement in care services?**

---

<sup>9</sup> Scott, J., and Hill, M. (2006) The health of looked after and accommodated children and young people in Scotland. Edinburgh: Social Work Inspection Agency, Meltzer, H, Lader, D, Corbin, T, Goodman, R and Ford, T (2004) The mental health of young people looked after by local authorities in Scotland, London: TSO.

<sup>10</sup> Rees, G. and Lee, J. (2005) *Still Running II, Findings from the Second National Survey of Runaways*, The Children's Society. P.12.

This consultation opportunity will be paramount to ensuring the Standards reflect the different groups of individuals who will benefit from them in practice. Effective implementation of the Standards will be a crucial part of ensuring improvement happens broadly across care services. As with any piece of policy, guidance or legislation, the effectiveness of application will be dependent on the knowledge held by those working and living in care. While professionals will work hard to implement the Standards as they care for individuals, poor application will only be truly known if children and young people understand what the Standards say and mean.

This consultation opportunity displayed this need well. One WC?S Advocacy and Participation Worker, when supporting a young person to discuss the consultation, experienced a change in attitude towards addressing something that was making the young person unhappy:

*“I was supporting one of my young people with an advocacy issue and he wasn’t sure if he wanted to take this further. We discussed his options but then moved on to carry out a consultation on the new National Care Standards. After reading through, and exploring the Standards and Principles, he noted that he hadn’t been treated in the way that the Standards were recommending. Following this activity, he decided that he did want to take his advocacy issue further and make sure that his views were heard.”*

This young person was supported to understand the Standards and how they should apply to his own life. This thorough and individual approach to helping him understand the standards then led him to feel able to uphold his rights and articulate his views.

**Q11: Is there anything else that you think needs to be included in the Standards?**

The Standards are thorough, well thought out and largely applicable to the lives of children and young people in care. However, the young people we spoke to felt there was a gap in relation to ensuring individuals know how to complain or raise a concern if they feel the Standards have not been upheld in regards to their care. While there is reference to advocacy and the importance of someone helping a young person to articulate their views, the Standards may benefit from a clear statement or section about what to do if concerned about the application of the Standards.

**Q12: Is there anything you think we need to be aware of in the implementation of the Standards that is not already covered?**

The implementation of the Standards will be the next most important step in this process. The open consultation will allow for wide comment on how the Standards are articulated and if they are applicable to a wide range of people. However, if the implementation of the Standards is ineffective, application in practice will only happen for a small number of people receiving care services.

To ensure effective implementation, we would suggest the following steps are taken:

- Professionals and young people are provided with clear, concise information on the Standards, in a variety of formats which will be easy to digest by all. This might include

small snap fax versions of the Standards or posters, as well as the larger, more detailed document.

- The response to understanding the Standards was very much split between those we spoke to. Some children and young people understood them and benefited from reading them in detail, while others found them confusing and difficult to understand. With this in mind, a variety of versions should be created with simpler, easy-read versions to complement the full set of Standards.
- Young people tell us that they enjoy visual depictions of information, especially in short film format. We would suggest short films are made to summarise the Standards and that they contain other care experienced young people speaking about the importance of the Standards. This is something young people recently told us in a consultation about how they want to be informed of their rights.
- Professionals are encouraged to discuss the Standards with the children and young people in their care. Positive relationships should be utilised in helping young people to understand what the Standards say and mean.
- Professionals are encouraged to regularly discuss the Standards with children and young people in their care. For example, this could be routine part of family meetings, or independent advocates could ensure the Standards are discussed regularly with the young people they work with.

If you wish to discuss this consultation response, please get in touch.

Carly Edgar, Policy Manager, [cedgar@whocaresscotland.org](mailto:cedgar@whocaresscotland.org)

Emily Green, Policy Development Officer, [egreen@whocaresscotland.org](mailto:egreen@whocaresscotland.org)