

# Who Cares? Scotland

## Response to Consultation on Draft of the Continuing Care (Scotland) Amendment Order

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 looked-after 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 because 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.

Q1. Do you agree with our intention, as stated during development of the 2014 Act, to further increase the higher age limit for persons eligible for continuing care from eighteen to nineteen years of age from April 2017 to ensure the current cohort of young people continue to be eligible as they increase in age until the duty to provide continuing care extends from 16 to 21 years of age?

Who Cares? Scotland agrees with the intention to increase the higher age limit for eligibility to continuing care from eighteen to nineteen from April 2017. This intention was clearly communicated by Scottish Government, and widely supported by others, throughout the consultation phase of Part 11 (continuing care) of the Children and Young People (Scotland) Act 2014. To increase the eligibility criteria, will ensure that this piece of legislation follows through on its original intention of ensuring all eligible young people can remain in care until the age of 21, without poor application of policy limiting this ability.

Who Cares? Scotland provides independent advocacy to care experienced young people across Scotland. Our independent advocacy relationships provide us with the mandate to inform young people of their rights, help them to uphold them and communicate their views when necessary. Too often recently, our Advocacy and Participation Workers [APWs] have witnessed young people being provided with inaccurate information regarding continuing care, or inflexible practices. Such examples concern us that too many professionals still hold a lack of understanding around continuing care.

Some examples encountered by Who Cares? Scotland advocacy workers are as follows:

1. Lack of clarity from professionals around eligibility age (born on or after 1st April 1999).
2. Lack of clarity from professionals around age that continuing care should end, with many unclear whether this should happen on the young person's 21<sup>st</sup> or 22<sup>nd</sup> birthday.
3. Some professionals viewing 'supported accommodation' or hostels as appropriate alternative continuing care placements.

In addition to a lack of knowledge around continuing care, WC?S APWs have also witnessed several examples of professionals practicing strict application of the legislation, without taking account of Staying Put guidance<sup>1</sup>, which continuing care seeks to encourage application of.

Such examples include:

1. One young person born on 1<sup>st</sup> March 1999, one month early of continuing care eligibility, being encouraged to leave care prior to feeling ready and refusal to allow this young person to stay in care until they are ready to leave.
2. One young person aged 20, currently living in a residential house and studying on an Access course with every intention of progressing on to University this year. The young person's grade on the Access course will dictate which institution they can progress on to, most likely out with their local authority. The involved are insisting the young person must move out as soon as they turn 21, however the young person is asking to be able to stay roughly 4 months longer to work out which University they will be accepted to. If the young person moves out when approaching 21, they must stay in a flat for around 4 months, before potentially moving to a completely different area. A potentially unnecessary move and disruption.

While we appreciate the limitations and necessary definitions associated with legislation, the lack of knowledge around the application of continuing care and the support for Staying Put, is concerning. To rectify this concern, WC?S have teamed up with the Children and Young People's Commissioner for Scotland to produce resources aiming to inform young people and professionals alike, on part 9 (corporate parenting), part 10 (aftercare) and part 11 (continuing care). The resources, currently in design stage, have followed consultation with young people and professionals to ensure they are designed in a way most helpful to both. In addition to this, the Scottish Throughcare and Aftercare Forum (STAF) will be supporting the trial of the resources with their members. This will have the added benefit of ensuring throughcare and aftercare workers around Scotland are aware of the resources and are encouraged to share them with the young people they support.

Prior to final creation of these resources, WC?S will share with the Scottish Government to ensure they are as helpful as they can be and that as many people across Scotland have access to the information they require to fully understand the legislation. We would suggest that the resources are advertised alongside any relevant guidance, such as the Guidance on Part 10 (Aftercare) and 11 (Continuing Care) of the Children and Young People (Scotland) Act 2014.

If you wish to discuss the content of this response, please get in touch on the following details:

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<sup>1</sup> Scottish Government. 2013. Staying Put Scotland: Providing care leavers with connectedness and belonging. <http://www.gov.scot/Resource/0043/00435935.pdf>.