

## Who Cares? Scotland (WCS)

### Follow-up on Oral Evidence Session to Equality and Human Rights Committee (EHRC), 10th May 2018

Callum Lynch, Public Affairs Ambassador

Claudia Macdonald, Director of Influencing



#### Overview of follow up areas, from Who Cares? Scotland

To understand how the Committee will consider the recommendations made in our written submission and oral evidence in the following areas:

- Establishing rights, ensuring all care experienced children and young people have access to independent advocacy support, when they need it.
- Protection of Care Experience under the special powers we believe the Scottish Parliament has under the Scotland Act 2016 to:
  - Enable care experienced children, young people and adults to be considered specifically in Equalities Impact Assessments and Equality of Opportunity Assessments in all parliamentary business.
  - To provide remedy for redress to Care Experienced people where they have experienced discrimination.
- Incorporation of the UNCRC into Scots Law, with consideration given on how to include the following UNCRC preamble statement, as a right for all children: *“Recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”*

#### Context: Unfulfilled Rights for Care Experienced People

Callum gave context on the importance of children’s rights on a personal level and as an ambassador and representative of our members. He explained that his own parents had not realised his rights in childhood, the realities of being placed into care and what growing up in residential care was like:

*“I thought I would be safe but that was not the case... Restraining a child was occurring daily and this is the same for a lot of young people. This was people who I thought loved me, who I thought I held a relationship with, it wasn’t nurturing but it was actually scarring.”*

Callum powerfully highlighted how different the lives children are who grow up in care and discriminatory behaviour that types of practice perpetuates. He highlighted WCS’s corporate parenting work which helps organisations understand children’s and human rights.

#### Asks for Scottish Parliament: Fulfilling Rights for Care Experienced People

##### 1. Expansion of Access to Independent Advocacy

Callum spoke about the need for early support through advocacy, through reflecting on his own advocacy experience and asked Scottish Parliament for this support to be available prior to going through the Children’s Hearing System. Callum directly asked Scottish

Parliament to increase access to advocacy services to ensure care experienced people can better realise their rights.

## 2. Need to Balance Rights

Claudia set out WCS's strategic vision and how rights must be balanced for care experienced people:

*"Our organisation's sole mission is to see a Scotland—and beyond that, a UK, a Europe and an international community—where, every single day, care-experienced people experience love, equality and respect. Human rights are children's rights and children's rights are human rights."*

**Protection:** a complex system set up to protect and keep children safe comes at a cost to realising and protecting their rights. It is important to assess the standards of childhood of care experienced people against the standards we set for society more generally and there is an inherent power imbalance between professionals and children and young people.

**Participation:** children in care are repeatedly required to speak to professionals. Active participation and understanding how to be heard is vital in realising their rights, linking to need for increased advocacy resource.

## 3. Care Experience as a Protected Characteristic

In response to a question from the convenor on how the parliament could realise care experienced rights through its legislative process, WCS's #LifetimeOfEquality campaign was highlighted:

*"We believe that the lens of protection that is offered by the protected characteristics could be extended to care experience... We recommend that this committee utilises the powers that we think that you have over public bodies through not just corporate parenting legislation, but the Scotland Act 1998, to enhance the levels of protection and participation that could be offered through a protected characteristic association for care experience in Scotland."*

## 4. Love as a Human Right

Finally, Callum powerfully posed a question to the Cabinet Secretary for additionality in the UNCRC:

*"I would love to live in a world where young people have the right to feel loved, to be loved or have the opportunity to give love... I do not think that many people would deny a child that right... A lot of young people, especially our members, are speaking up and saying that that is fundamentally missing. I would ask the cabinet secretary whether she would give additionality to existing legislation, or legislation that may be adopted, to give young people in state care the right to feel love and to be loved or, the opportunity to give others love or experience it."*

**If you wish to discuss this further, please get in touch.**  
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