
WE DON'T HAVE TO WAIT

to change the lives of
Care Experienced people

JUNE 2019

**A LIFETIME OF
EQUALITY,
RESPECT
AND**

LOVE

FOR CARE EXPERIENCED PEOPLE



"ONGOING EFFORTS TO REFORM CARE CANNOT BE AT THE EXPENSE OF WHAT CAN BE DONE TO IMPROVE THE LIVES OF THOSE IN CARE TODAY."

There has never been a focus like there is now on creating change for Care Experienced people.


Who Cares? Scotland's role is to be the independent, representative body for Care Experienced people. We raise the voices of individual Care Experienced children, young people and adults, to represent the collective care community. That means that to some, we are a bold campaigning organisation. To others, we create youth work spaces where people can feel they belong. I am immensely proud that to thousands of Care Experienced people, our independent advocacy workers have been the constant by their side; helping them share their views when everything else is changing.

Independent advocacy is one of the more discreet things that we do. This is despite the fact that it is our biggest activity and we do it all over Scotland every single day.

With this report, we are inviting you to have a glance at what our advocates do every day and in turn, get a feel for what Care Experienced people face every day. This report is made up of forty years of information from our paper and digital databases, reports and membership magazine. We've also looked at 20,000 advocacy issues over the last decade.

This is an organisational first. We have taken this unique approach because it shows that we can't wait for change to happen. Young people are having their rights infringed today.

We've laid out actions in this report that will mitigate some of the shortcomings of the current system. I hope that you'll join our cause, take action where you can and bring Scotland closer to the lifetime of equality, respect and love that Care Experienced people deserve.



Where we are
TODAY

EILIDH'S STORY



Who Cares? Scotland helps Care Experienced people face the challenges and problems that have come into their lives as a result of state intervention. That means we always look at care through the lens of the individual child, young person and adult. We've also learned the importance of looking at the lifetime journey of Care Experience, not simply specific parts of the care journey in isolation. Our view point is informed by 40 years of listening.

Behind every statistic is a person living with the consequences of decisions and trying to find solutions, often on their own. Before reading this report, and our solutions, we want you to follow Eilidh's journey. We have developed several short narratives which give insight into her life, outlining the challenges and need for change across the lifespan. This story is an amalgamation of our statistics, research, literature and expertise. Eilidh is not just one baby, she is representative of the tens of thousands of Care Experienced people that we have supported over the last forty years.



EILIDH'S BEGINNING

Eilidh came into care aged 5. Although her immediate physical safety needs were met, those supporting her did not understand that she had experienced trauma. When she was taken into care, Eilidh was separated from her brothers and sister; moved to a new house and school; and experienced feelings of loss. These changes took place through formal decision-making settings such as Court and Children's Hearings - most of which Eilidh did not understand.

During her care journey, Eilidh had seven placement moves, six social workers and, at one stage, was moved from being looked after in foster care to a residential house. The placement moves impacted on her wellbeing and health. She missed GP and dental appointments due to moving practices several times. In residential care, she was physically restrained several times, which had a profound impact on her feeling of psychological and emotional wellbeing. She found it difficult to establish any stable loving relationships. When Eilidh leaves care at 17 years old, she is in a relationship and is sexually active. She also struggles financially, feels isolated and is unemployed.



SHOWING EILIDH LOVE

When Eilidh was at home, she experienced abuse and neglect. She lived with her brothers and sister, who were her only positive relationships. Coming into care took these relationships away from Eilidh. Contact with her siblings was governed by formal orders, or sometimes no orders, and often took place at dates and times that suited adults rather than Eilidh, her brothers and sister. Contact was mainly infrequent and of poor quality, which had an impact on Eilidh's wellbeing.

During her care journey, Eilidh moved seven times. In some circumstances, she wanted to stay in touch with her carers and people she trusted. She was told this wasn't allowed, which made her feel isolated. When she left care, she struggled to maintain intimate or meaningful relationships. She accessed her care records to seek answers to questions she had about who she was and her care journey. During this process, Eilidh found out things that she didn't know but couldn't find any support or someone to talk to about what she was reading.



WHERE EILIDH CALLS HOME

When Eilidh was taken into care, she was subject to complex, legal proceedings that she could not navigate or comprehend. All the significant decisions about her life were made by adults around her. These included where she lived; what school she went to; how much contact she had with family; and what type of care setting she lived in.

Eilidh knew that she was different when her local community and friends at school judged and discriminated against her. Some people even said that she should not be allowed to live in the local area. At the age of 17, Eilidh left care after living in seven separate care settings and she was placed in a Bed & Breakfast in an unsafe area. Eventually, in later life, she rented a house in a deprived and run-down area. Eilidh is now 28 years old. She has no extended family to rely on for financial support or practical support with her 2-year-old son. She can't afford to study, save or buy her own home.



EILIDH'S OPTIONS - EDUCATION AND WORK

At school, Eilidh was suspended and excluded several times, which impacted on her education. She was on a reduced timetable, which meant that she didn't have the same access as her peers to the curriculum. This caused her to feel isolated and different. Her classmates picked up on this and it sometimes resulted in bullying. Although Eilidh required extra tuition and support because of the impact of early trauma and multiple placement moves (including her schools and nursery) resources were limited and inconsistent.

After leaving care at 17, Eilidh spent a number of years navigating homeless accommodation and B&Bs. She also struggled to hold intimate relationships as she grew up in a care system that did not have love or stability at its heart. When she was 27, Eilidh applied for university and declared that she was Care Experienced. She didn't qualify for the non-repayable bursary because she was too old and, instead, had to consider whether learning was worth incurring loan debt of more than £30,000.



EILIDH'S FUTURE

Eilidh thinks carefully about who she talks to about her time in care. She has grown up seeing newspapers, television, books and movies represent people who have been in care in a negative way and that has added to her own sense of stigma. Eilidh is caught between the feeling of worrying about what people will think if they know she has been in care and the feeling of sadness that she isn't able to be herself.

Eilidh finds Christmas hard and doesn't tell people when her birthday is. She says that it's because she doesn't like a fuss but it's really because she doesn't want to risk being hurt if people forget about her. She has got used to not receiving cards or gifts.

Eilidh really wants to build her family up. She has what it takes to achieve but at every turn, she feels like she faces a new barrier that requires more sacrifice. Despite being told by people to move on, she finds that her time in care continues to impact her life and her ability to create her own future.

WHO CARES? SCOTLAND'S AGENDA

Eilidh is not one person. She is thousands of people, spanning decades. That's why Who Cares? Scotland has an agenda. We want a lifetime of equality, respect and love for Care Experienced people.

Who Cares? Scotland is the only organisation that has been independently supporting Care Experienced people since 1978. Our independent advocates provide children and young people with individual support to overcome the challenges they face in their daily lives. In the current decade alone, we have helped over 4,300 Care Experienced people take on 20,000 issues. We are, however, only reaching 7.2% of people who are in care right now.

We worry about the Care Experienced people that need independent support but can't access it. We are not in every local authority and we are not working with every Care Experienced person. The offer of advocacy to many Care Experienced people is confusing and patchy, with some young people being offered support to be heard by people who work for the same organisation that delivers their care.

The statistics in this report tell the story of our work delivering Independent Advocacy in the last year. The report explains what we do, where we do it and how the rights of children and young people are persistently infringed upon. We've also released a full statistical analysis of our work since 2010, highlighting the need for urgency.

In an ideal world, these challenges would not exist. We are not in that ideal world yet. We trust that the transformational, systemic change that Care Experienced people have been promised is on the horizon in Scotland. We know, however, that we can't wait to uphold and enhance the rights of children, young people and adults.

The combination of observations from our independent advocacy information, alongside a review of literature, research, policy and consultation reports from the same timeframe places Who Cares? Scotland in a unique position.

At the end of this report, we have called for wider changes to legislation, policy and practice that we know could make a difference to people living in similar circumstances to Eilidh right now. It is in the power of many different leaders to make these changes so we are calling on anyone who can to act immediately.


WE DELIVER INDEPENDENT ADVOCACY

Our first solution is to offer every Care Experienced person who wants it, truly independent advocacy. It's not possible to conceive a reason why this should not be done.

Six reports from abuse inquiries and reviews over the last thirty years have consistently recognised the value and need for Independent Advocacy provision. The Skinner Report of 1992, Kent Report of 1997, Edinburgh Inquiry of 1999, Fife Inquiry of 2002, Kerelaw Inquiry of 2007 and the Shaw Report of 2007 all concluded that independent advocacy is a vital safeguard.

Without absolute independence, the potential for rights infringements and the abuse of power will continue to prevail. A failure to provide adequate levels of Independent Advocacy to Care Experienced people is contrary to all the evidence from abuse inquiries and is a failure to protect their rights. For as long as Independent Advocacy is necessary, Who Cares? Scotland will be here.

Care Experienced people knowing their options and being heard when decisions are being made is an integral part of recognising the other solutions for change that we have made in this report. Only truly Independent Advocacy can ensure this.

A group of people, mostly women, are holding up red heart-shaped signs. The scene is dimly lit, with the red of the hearts being the primary light source. The people are smiling and appear to be at a community event or protest.

"Independent advocacy is structurally, financially and psychologically separate from service providers and other services. Such independence helps to ensure that there is no possibility of any conflict of interest arising in relation to any other services accessed by the individual or group."

-Scottish Independent Advocacy Alliance-

2018 WHO CARES? SCOTLAND INDEPENDENT ADVOCACY STATISTICS

MOST PERSISTENT ADVOCACY ISSUES

Feeling heard in formal meetings
about the future

Seeing parents, brothers and
sisters

Having a say in day-to-day care

29/32

NUMBER OF LOCAL
AUTHORITIES WHO OFFER
INDEPENDENT ADVOCACY

NUMBER OF
ADVOCACY ISSUES

4786

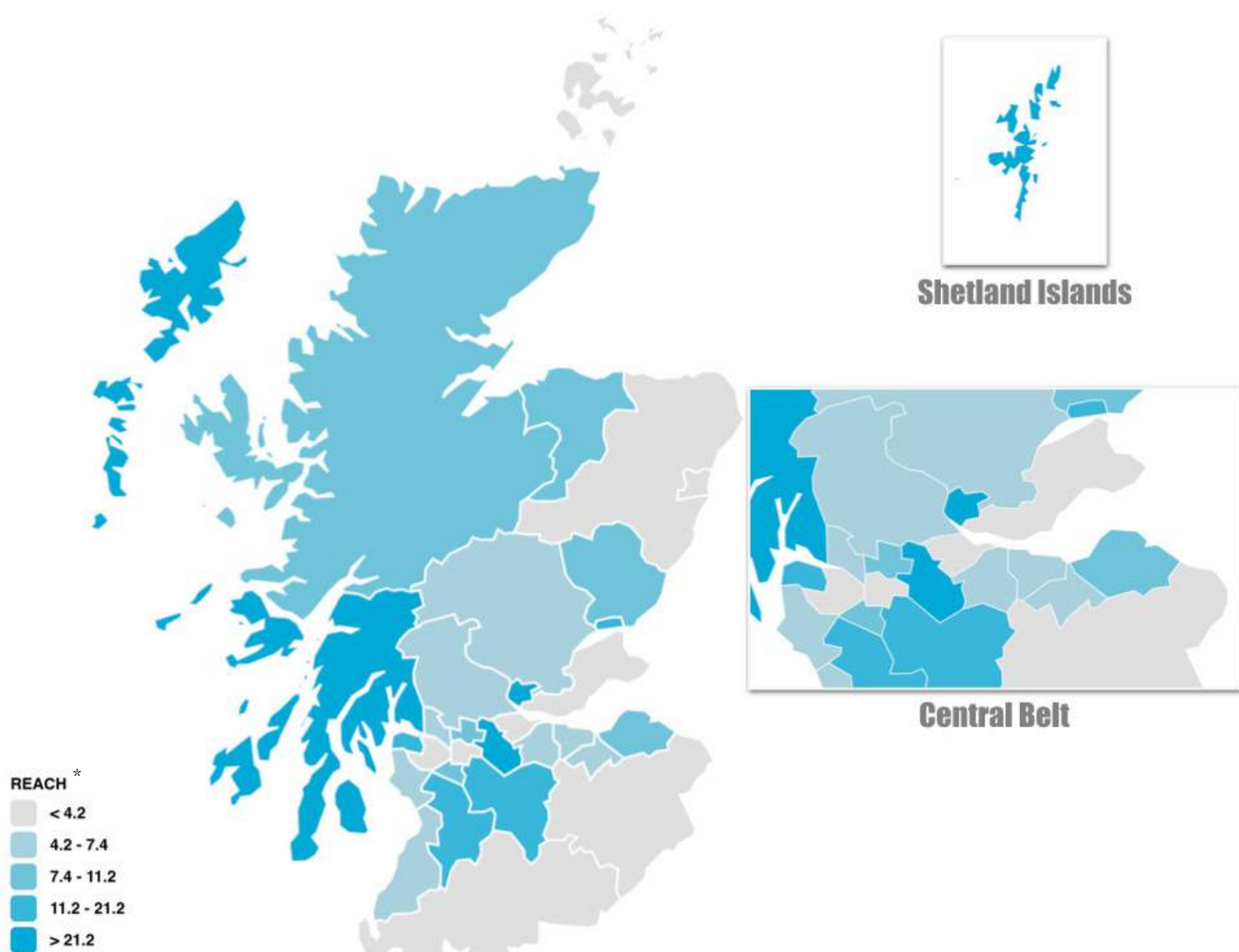
2 WEEKS

AVERAGE TIME TO
RESOLVE AN ISSUE

AVERAGE AGE OF PERSON
RECEIVING ADVOCACY

15

REACH* OF WC?S INDEPENDENT ADVOCACY IN 2018



*the proportion (%) of eligible children and young people in care who received professional independent advocacy delivered by Who Cares? Scotland

TOP TEN REASONS WE ARE ASKED TO HELP

1 Formal Processes:
"There's a legal decision being made and I want to have a say."

2 Contact with Parents:
"I've got a view on when, where and how often I want to see my parents."

3 Care Planning:
"I need to have a say over how my day to day care is going."

4 Contact with Brothers and Sisters:
"I've been separated from my brothers and sisters. I want to see them."

5 Education and Training:
"I need to have a say over how my education is going."

6 Placement Moves:
"I'm being moved/I want to move. I need my view to be heard."

7 Living Environment:
"I want something to change about where I stay."

8 Contact with Extended Family:
"I have an extended family and I want to share my views about seeing them."

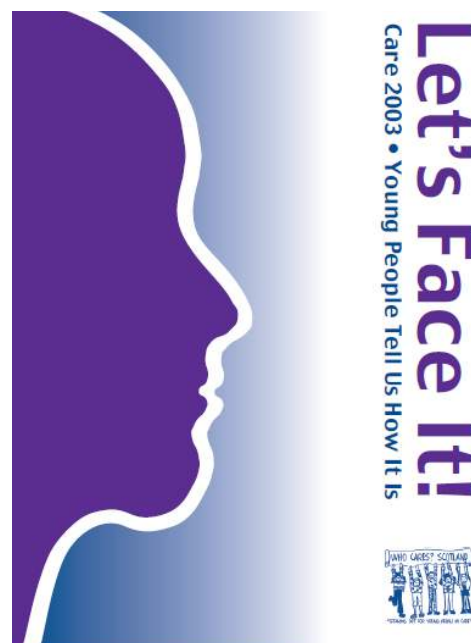
9 School:
"I'm facing barriers to learning and achieving in school. I want to remove them."

10 Request to Return Home:
"I don't want to live away anymore. I want to go home."

WHAT'S BEEN SAID BEFORE

Let's Face It - 2003

"Young people have rights and should be able to expect that their lives are made better, not worse, by their entry into the care system. Therefore we have a responsibility and a duty to implement the recommendations as soon as possible. It is a reality that some of the recommendations rely on resources and money, however there are those which depend more on attitudinal and cultural change."



Young People's Views - 2014

"Young people stated that there should be a mechanism which automatically makes them aware of their local authority's advocacy service. Young people identified that receiving advocacy was often due to chance or by other young people telling them. All young people felt that a right to advocacy should be available to help young people participate fully in all decision making processes."

WHAT'S BEEN SAID BEFORE

Advocacy Matters - 2016

"We know that when Care Experienced people are meaningfully involved in their care journey, they feel respected, valued and have a better understanding about the decisions that are made with them. This experience, and these feelings, are the reasons why independent advocacy exists. For this reason, it is crucial that the knowledge, awareness and promotion of advocacy provision, especially that of independent advocacy is understood."



Advocacy Matters: an analysis of young people's views

1000 VOICES



-OUR AMBITION TO CREATE THE MOST CARING NATION IN THE WORLD-

1000 Voices Manifesto - 2016

"Real, meaningful change in our lives is only made when our voice is heard, individually and collectively. This isn't about altering parts of a system or making a process run more smoothly. This is about the Government, our parent, understanding who we are and doing what it takes to make sure we succeed. It's what every other parent does for their own children. So please do it for us."

WE DON'T HAVE TO WAIT

The action that needs to be taken is not our vision for a childhood in Scotland. These are policy changes and practice alterations that we know could make a difference to Care Experienced people now whilst broader, systemic change is planned and implemented. These policies fall within the remit of national and local government and we're encouraging anyone who thinks that they can influence change, where they are, to grasp this opportunity.

This is not an exhaustive list and it will be enhanced by the input of different people with different perspectives.

We are also, with some of these actions, repeating ourselves and the words of Care Experienced people from decades ago. This has to be the last time this happens.

The action we are calling for comes from reflection on the decades of challenges that Care Experienced people have asked us to partner with them in tackling. Our analysis has brought out six thematic areas that we know must be attended to – **accountability, love, health, home, education and employment.**

Action needs to be taken now to mitigate some of the most persistent rights infringements and to correct some of the unintended consequences of recent policy developments. We must change these things now so that in five years time, an analysis of the circumstances Care Experienced people are in can look remarkably different.



ACCOUNTABILITY

End the postcode lottery and do what decades of reports and reviews have concluded is needed to safeguard the rights of Care Experienced people.

Provide demand-led, relationship based Independent Advocacy to every Care Experienced person who needs it.

Appoint a Minister for Care Experienced people in the Scottish Parliament.

Establish cross party committees in each local authority made up of elected members to scrutinise and consider the circumstances for Care Experienced people in their area.

Consider Care Experience alongside other protected characteristics in the development, review and implementation of all legislation, regulations and policies.

Recognise the importance of a national, independent body for Care Experienced people to create, form and develop policies. Give them a legitimate role in the scrutiny of policy impact and in the accountability of Ministers.





LOVE

Create an independent, therapeutic programme that can reunite brothers and sisters who were separated by the state and want to build a new relationship.

Independently scrutinise all decisions that lead to brothers and sisters being separated.


Change how someone's time in care is recorded and create ways for young people to participate in the process. Ensure Care Experienced people have complete and full access to their Care Records and that they are supported by lifelong, independent support to understand what they mean.

Invest in regular, local and national opportunities for Care Experienced children and young people to come together.


Support Care Experienced people to provide loving and thriving childhoods for their own children. Enhance access to free early years childcare to recognise that Care Experienced people may not have a large family network.

Record, remember and learn from the deaths of Care Experienced people


HEALTH



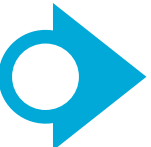
Provide Care Experienced people with personalised, free counselling and therapy with the freedom to opt out and back in at any time.



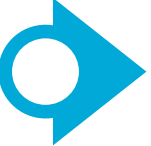
End the physical restraint of any child or young person in all care settings.




Carry out a mental health impact assessment with every decision made about someone's care.



Introduce free dental care, including cosmetic treatments for life, in order to stop Care Experienced people carrying shame and embarrassment for something that was a result of other people's negligence.




Reform sexual health and relationship education in schools and with carers so that Care Experienced young people have access to information that can keep them safe and help them make informed decisions.



Provide free access to travel, sport and leisure facilities so that cost is never a barrier.





Limit the amount of times new carers come into the life of a child or young person during care.

Increase the independent scrutiny of the implementation of Continuing Care rights and allow young people to return to care up to 26 years of age.

Do not provide temporary, insecure or hard-to-let housing to Care Experienced people. Provide a Scottish Secure Tenancy for life.

Remove children's homes from planning permission processes.

Establish specific options for Care Experienced people within the Help-to-buy and shared-equity schemes, including deposit free mortgages.

Set up a Government Guarantor scheme for Care Experienced people who access private rented housing and don't have someone to act as their guarantor. Then train private landlords so that Care Experienced people don't have to explain their own entitlement.

Give Section 29 money directly to Care Experienced people with no limitations on what companies or suppliers can be used to purchase items for their homes.

EDUCATION

Inspect, reward and hold schools to account

for the number of Care Experienced pupils they have and the outcomes they achieve. Maintain priority places for those in care and investigate and have means for redress if standards are not met.

Don't exclude Care Experienced people from school or reduce their timetable below their 30 hour entitlement to such an extent as to exclude them in all but name.

Make it policy that a Care Experienced child should have no more than two school moves without independent investigation and scrutiny.

Provide access to high quality extra-curricular tutoring for all Care Experienced children and young people throughout their school education.

Remove the upper age limit on the Care Experienced student bursary and extended it to include bursary for postgraduate studies.

Write off undergraduate student debt for Care Experienced people who accrued it before the Care Experienced student bursary was put in place.





EMPLOYMENT

Break the culture that sees young people encouraged away from care and into state welfare by guaranteeing Care Experienced people a job and support to sustain it.

Ring-fence jobs and apprenticeships that pay the Real Living Wage in the public sector for Care Experienced people.

Guarantee interviews and feedback for Care Experienced people who meet the advertised criteria.

Create a supportive process for Care Experienced people to access grants to start their own business or social enterprise.

Enhance the offer from Community Jobs Scotland with ring-fenced posts for Care Experienced people, providing options for two years of employment, up to thirty five years of age.

Recognise that Care Experienced children are criminalised unfairly and unjustly by removing charges incurred whilst they were under the age of sixteen from their PVG.



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



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