

NAVIGATING A WORLD OF RIGHTS

Views from our Care Experienced membership, December 2020

WHAT DID WE ASK OUR MEMBERS AND WHY?

In August 2020, Who Cares? Scotland launched the first [Annual Participation Programme \[the Programme\]](#). The Programme creates opportunities for our members to take part in across the year. These are chosen from looking at our advocacy and participation work, and by looking at opportunities where we can influence change.

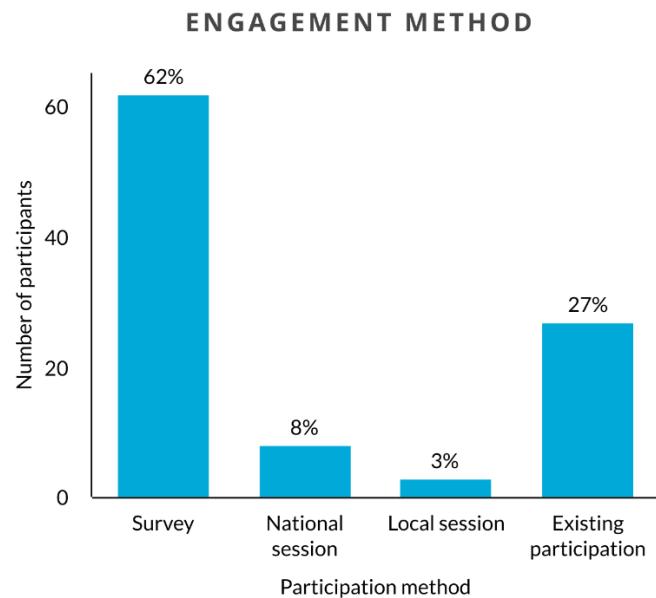
We want to make sure these three things happen when doing this work:

- 1. Members are connected to influencing opportunities**
- 2. Member experiences inform what we say out loud**
- 3. People in power hear what Care Experienced people have to say**

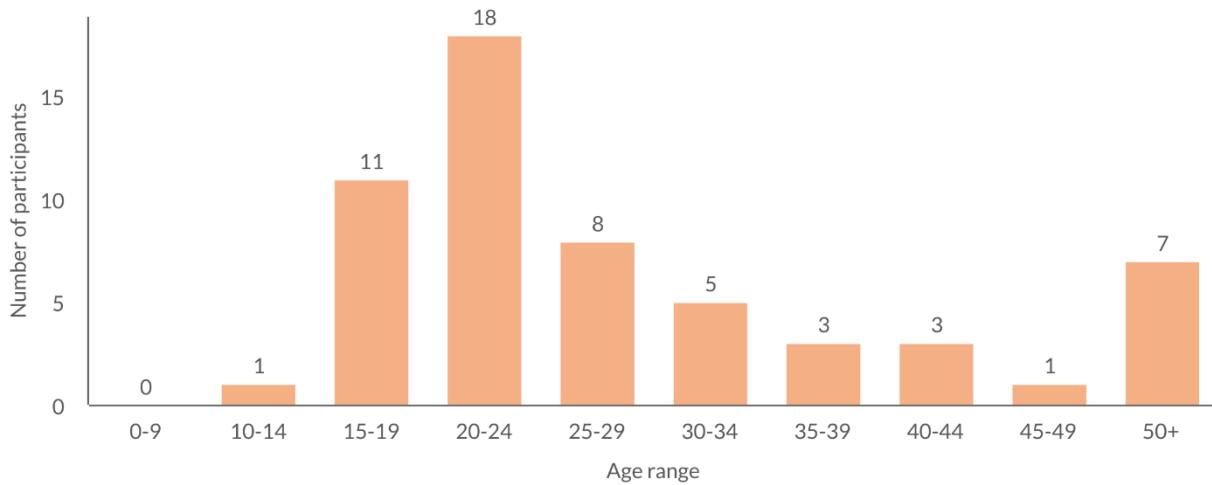
We focused on asking our members for their views on Child and Human Rights as the first theme in The Programme because Who Cares? Scotland knows how Care Experienced people of all ages can face barriers to getting even their most basic rights met. As a provider of independent advocacy for over 40 years to the Care Experienced community, we know how important it is that any changes to the way child and human rights are protected in Scotland highlights specific challenges for the Care Experienced community and are shaped by what our membership think should happen.



HOW DID OUR MEMBERS ENGAGE WITH US?



AGE OF PARTICIPANTS*



*57 participants chose to provide their age



WHAT DID OUR MEMBERS TELL US?

Rights knowledge

- Children experience barriers in understanding their rights. Both in identifying what a rights abuse looks like in their lives and knowing how to challenge it.
- The role of organisations and advocacy is extremely important to support Care Experienced people to understand their rights.
- Care Experienced members felt the public did not understand what human rights are and that this impacted how well their own rights could be upheld.
- Rights information and education for the public must be wide-ranging, varied in medium and be accessible to all groups – including child-friendly material.

Rights education

- Children must learn about rights in school and this should focus on how to practically uphold rights and recognise what rights mean in their own lives.
- Understanding ‘Care Experience’ was seen as a vital part of learning about rights in school and for individuals to self-identify as part of the community.
- Members identified a large range of professionals who should get rights training, with particular focus on frontline staff, carers and parents as the most involved in children’s lives. Training should not just be for managers and senior staff – learning from potential gaps in the corporate parenting approach.
- Professional training must focus on the practical implications of upholding rights and be tailored to individual job roles.



Lifelong rights protections

- Members unanimously supported the need for Care Experienced people to have rights protections throughout their lifetime.
- Many members spoke about the limitations of current support in place for Care Experienced adults, and how age cut-offs did not recognise existing need.
- Many older members shared personal accounts of rights abuses they continued to experience throughout their adult lives. This has created a compelling evidence base demonstrating the large gaps in service provision and support leading to lifelong rights breaches for Care Experienced people.
- Clear message that for Care Experienced adults there must be the ability for redress and accountability from the state for the legacy of childhood in care.

Accessing rights protection

- Members strongly support the need for court intervention to be available as an option for challenging rights breaches, however, there was significant focus on softer, alternative approaches to be available as a priority.
- The use of independent advocacy and accessible, child-friendly complaints mechanisms were supported as alternative routes to court action.
- Members supported the need for Care Experienced people to be able to bring their own cases to court concerning rights breaches, as well as organisations being able to bring cases on behalf of individuals.
- For all forms of rights challenges, members stressed the need for support to be available for Care Experienced people – especially if interacting directly with the legal system.
- The types of supports that could be required were wide-ranging, from formal legal advice to having moral support



available in the form of a supportive, trusted professional or adult. The role of independent advocacy was again put forward as an option that should be available.

- Creating routes for remedy and redress must include commitment to resourcing education and training about how these solutions can be used to support Care Experienced people. There must also be investment in specialist support organisations and professionals who can support individuals to raise rights challenges.

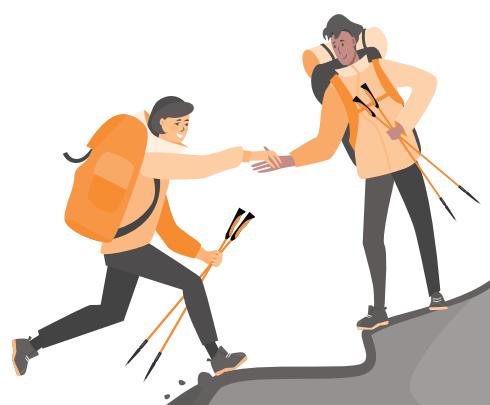
Ensuring rights are upheld

- Members want robust accountability mechanisms to be in place to ensure that commitments made to uphold rights are followed through, by both public bodies and individuals responsible for protecting child and human rights.
- An independent body checking on rights commitments was most widely supported to ensure accountability. Independence will ensure reporting is meaningful and accurate to the perspectives of Care Experienced people affected.
- Members feel consequences should be in place for those failing to uphold rights and that there should be a national standard for organisations to work towards. This was stressed as important to prevent a 'postcode lottery.'
- There was support for organisations responsible for upholding rights to regularly report on how they are upholding rights.
- Members think that children and young people should be a part of the process holding organisations to account on rights promises, to ensure transparency.
- Members made clear that significant financial investment and commitment of resources both national and locally will be required to realise child and human rights pro-actively across services, to prevent court action for rights failings.



WHAT CHANGES NEED TO HAPPEN?

1. Create a rights-focused public education initiative that reaches all corners of society, with practical information on how child and human rights can be upheld.
2. Ensure child and human rights are part of the national curriculum for all children and young people in Scotland, focusing on how to practically uphold rights and recognise what rights mean in their own lives.
3. Create tailored training for services that have legal duties to uphold child and human rights, ensuring understanding of how to uphold right in practice.
4. Ensure rights protections in law protect Care Experienced people of all ages.
5. Ensure Care Experienced adults can seek redress from the state for the legacy of rights not being protected while in care.
6. Invest in a wide spectrum of options to allow access to justice, with a focus on creating child-friendly complaints mechanisms.
7. Invest in independent advocacy and specialist support for all individuals, prioritising groups who may need additional support such as the Care Experienced community.
8. Ensure children and young people are involved meaningfully in how progress reports are created on the effectiveness of human rights legislation, such as the incorporation of the UNCRC.
9. Commission an independent body to report robustly on the effectiveness of child and human rights in Scotland, with a focus on improving the outcomes for the most marginalised groups of the population, including specific reference to the Care Experienced community.



WHAT NEXT?

Who Cares? Scotland will use these findings to make sure decision makers understand what our members have said about child and human rights. For example, we will make sure this evidence influences:

- Incorporation of the United Nations Convention on the Rights of the Child in Scotland
- The work of the National Taskforce on Human Rights Leadership
- The Promise, the outcome of the Independent Care Review

You can also use this report to influence people's opinions on child and human rights.

If you would like to discuss this work, please get in touch:

hello@whocaresscotland.org

