



**WHO
CARES?**
SCOTLAND

EQUALITY | RESPECT | LOVE



National Outcomes review

Response to the Scottish Government's public
consultation

May 2023

www.whocaresscotland.org

Who we are

[Who Cares? Scotland](#) is Scotland's only national independent membership organisation for Care Experienced people. Our mission is to secure a lifetime of equality, respect, and love for Care Experienced people in Scotland and we currently have just over 4000 members.

At the heart of our work are the rights of Care Experienced people, and the power of their voices to bring about positive change. We provide individual relationship-based independent advocacy and a range of participation and connection opportunities for Care Experienced people across Scotland.

We work alongside Corporate Parents and various communities to broaden understanding and challenge the stigma faced by Care Experienced people. We work with policy makers, leaders, and elected representatives locally and nationally to shape legislation, policy and practice. We do this collaboratively to build on the aspirations of [The Promise](#) and secure positive change.

Summary

This response provides comment on the Scottish Government's review of the National Outcomes. This is an important opportunity to influence the National Performance Framework (NPF) to ensure that the refreshed wellbeing outcomes, values and indicators reflect the lifelong rights of all Care Experienced people in Scotland. We know that many Care Experienced people today are experiencing barriers in realising their rights.

We must ensure that Care Experienced people of all ages are recognised as rights-holders in Scotland and can access vital support as and when they need it, in order to thrive in our communities, to everyone's benefit. Measuring Care Experienced people's experience of their rights, as well as gathering other types of data about Care Experience, could influence policy and practice to improve many of our Care Experienced members' lives.

Our response builds on Scotland's collective responsibility to Keep The Promise, the vision from the Independent Care Review which sets out how Scotland can make sure every Care Experience child and young person grows up safe, loved and respected, and able to fulfil their full potential.

Our response has also been developed by drawing on evidence from our advocacy work. We have answered only the questions most relevant to our evidence and expertise.

Key messages:

- We want to make sure that the National Outcomes within the National Performance Framework address the disadvantages and intersectional inequalities faced by the Care Experienced population in Scotland in realising their lifelong rights, and promote equal opportunities for Care Experienced people.
- We want to see inclusion of equality and Care Experienced people of all ages in the National Outcomes in a way that will Keep the Promise.
- We think the National Performance Framework could have a bigger impact by requiring better data collection about the outcomes, particularly for Care Experienced people. This data should be used to track and drive progress towards achieving equality of outcome. This will allow every member of our communities to thrive, be empowered and live free from discrimination.

Response to the consultation questions

1. Do the current set of National Outcomes fully describe the kind of Scotland you want to see?

In many ways they broadly do, in particular that we:

- Grow up loved, safe and respected so that we realise our full potential (Children);
- Live in communities that are inclusive, empowered, resilient and safe (Communities);
- Are well educated, skilled and able to contribute to society (Education);
- Have thriving and innovative businesses, with quality jobs and fair work for everyone (Fair Work & Business);
- Are healthy and active (Health);
- Respect, protect and fulfil human rights and live free from discrimination (Human Rights);
- Tackle poverty by sharing opportunities, wealth and power more equally (Poverty).

However, the outcomes are only as effective as they are broadly understood through an equalities lens. This is currently either assumed, or understood through existing equality obligations on public authorities under the Equality Act 2010 or the Public Sector Equality Duty. The outcome on human rights doesn't explicitly extend to promoting equality, rather, it only mentions the negative obligation to remove discrimination.

We are relying on an assumption, not a requirement, of the adoption of an equalities approach. Moreover, Care Experience is not a protected characteristic. Without linking the outcomes to the UNCRC, The Promise, or the Corporate Parenting duties in Part 9 of the Children and Young People (Scotland) Act 2014, Care Experienced children and young people will continue to fall short of these outcomes.

For example, [the Scottish Government: Education outcomes in 2020/21](#) showed poorer performance in leaver attainment, leaver destinations and attendance for 'looked after' children when compared with their peers who weren't 'looked after', and 'looked after' children were more than six times more likely to be excluded. It is important that all children are given the right support to achieve their academic goals, and some Care Experienced children will need more support in order to do so.

Even if the outcomes were understood through these policies and laws, Care Experienced people are only recognised as requiring protection in existing legislation up to the age of 26 years old (notwithstanding gaps in protection highlighted in the Promise, which we are raising in [an ongoing petition to the Scottish Parliament by our member Jasmin-Kasaya Pilling](#)).

Our report and consultation on [Navigating the World of Rights 2020](#) found that 100% of participants involved felt that rights protection for Care Experienced people should be lifelong.

At Who Cares? Scotland, we have had around 3000 calls since we started our Helpline which provides lifelong advocacy for Care Experienced people, recognising that the need for advocacy support for Care Experienced people does not stop at age 26. Our [Tend Our Light](#) and [Believe in Us](#) reports about mental health and Care Experienced parents respectively also evidence the need for lifelong rights for Care Experienced people, as did the Promise itself.

The current real-life implications for Care Experienced adults are shown in the poster below.



[The Promise 'The Money' report, p. 10](#)

But these outcomes are not inevitable and can be improved by ensuring Care Experience is better included in the National Outcomes, to help Care Experienced adults achieve the same in life as their peers.

When you leave care it doesn't leave you - care has a lifelong impact and Care Experience is a lifelong identity. Care Experienced people of all ages must be seen and heard as a group of rights holders and given support and protection throughout their lifetime if we are to reduce the inequalities this group face.

There is a whole generation of Care Experienced people over the age of 26 who grew up in the State's care falling short of these outcomes, who wouldn't even benefit if the tenuous equality lens described above were applied.

2. What, if anything, would you change about the National Outcomes? Why?

We want to make sure that the National Outcomes within the National Performance Framework address the disadvantages and intersectional inequalities faced by the Care Experienced population in Scotland in realising their lifelong rights, and promote equal opportunities for Care Experienced people.

In order to do that, the outcome on human rights could be expanded to require an intersectional equalities lens, however, with that still runs the risk of omitting the Care Experienced population in Scotland (and other groups whose rights are at greater risk).

The wording would need to be clear to ensure inclusion of Care Experienced people in a way that will Keep the Promise. It must recognise that the decisions of the Children's Hearing System can have a lifelong, significant impact on the human rights of the children and families involved, and that older Care Experienced people must have a right to access supportive, caring services for as long as they need them.

The National Performance Framework could have a bigger impact for Care Experience people and other equalities groups by requiring better data collection about the outcomes. This data should identify inequalities for Care Experienced people relevant to key themes, and be used by the Scottish Government to set SMART equality objectives with local government to tackle these. In doing so, the data is being used to track and drive progress towards achieving equality of outcome. This will allow every member of our communities to thrive, be empowered and live free from discrimination.

3. "I would like to live in a Scotland that..."

At Who Cares? Scotland, we would like to live in a Scotland where everyone grows up feeling equal, loved and respected, throughout their lives.

We want to see a world where this is the reality for all Care Experienced people.

Our communities are stronger when everyone feels supported. We are ready to be bold, and to strive towards that brighter future for Care Experienced people and for everyone. We will not stop until every Care Experienced person in Scotland has equality, respect and love which endures for a lifetime.

For more information, please see our [Strategic Plan 2023-2027](#).

Should you wish to discuss the contents of this response, please contact:

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