



**WHO
CARES?**
SCOTLAND

EQUALITY | RESPECT | LOVE

Know Your Rights



A pack for Care Experienced young people. Know your rights when it comes to Continuing Care, Brothers and Sisters, Housing and other important topics.

Know Your Rights Brothers and Sisters



Brothers and Sisters and Care

Care Experienced people have the right to a relationship with their brothers and sisters, who are also called 'siblings'. But around 70% of children in adoptive or foster families in Scotland are separated from at least one of their brothers and sisters.

With new laws from the Children (Scotland) Act 2020, greater rights to protect these relationships came into place.

What is a 'sibling'?

These are **people you view as your brothers and sisters**, they could be:

- Someone who you share at least one parent with.
- Any other person you have lived with and have an ongoing 'sibling-like' relationship with. This can include step-brothers, step-sisters and cousins.

What responsibilities do organisations have to siblings?

A **Local Authority** has the responsibility...

- to promote **family time**
- to take into account siblings views in decision making
- to keep siblings together where appropriate

The **Children's Hearing** has the responsibility to think about whether or not you and your siblings will be able to see each other.

The **Reporter** must think about whether you should have the right to take part and share your views in your sibling's Hearing process.



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When deciding if someone is a sibling, the **Reporter** and **Panel** must consider:

- Are they living or have they lived with their sibling?
- Do they have an ongoing relationship which feels like a sibling relationship (whether or not they share a parent)?
- Is the **Children's Hearing** for their sibling likely to make a decision that will have a big impact on the **family time** between siblings?
- Is the child or young person able to form an opinion on the **family time** between them and their sibling?

If you are given sibling **participation status**, you have the right to:

- **be told of the time and place** of your sibling's **Children's Hearing**
- **give a report or other document** to your sibling's **Children's Hearing**
- **be given documents by the Reporter** that are about your **family time** with your sibling
- **attend part of your sibling's Children's Hearing** (for as long as is needed to consider the issues of **family time** between you and your sibling, as decided by the **Chair of the Hearing**)
- have an **advocate** or legal aid **share your views** at the **Children's Hearing**
- call for **a review** of your sibling's **Compulsory Supervision Order (CSO)** by asking for another **Children's Hearing** after 3 months



Know Your Rights

Continuing Care and After Care

Growing Up and 'Leaving Care'

Everyone deserves a safety net, a family you can stay with and get support from, when you need it, as you grow up.

In Scotland, most Care Experienced young people leave home between 16 and 18-years-old, whereas most other young people don't leave home until they are in their mid-20s.

Through Care, Continuing Care and After Care are designed to give Care Experienced people the time and support they need to develop the confidence and skills to live independently.

What support is available to me?

Through Care is support while you're still in care to help get you ready for leaving care and living by yourself. This can be help with budgeting and cooking skills.

Continuing Care is a type of placement where you have officially left care by coming off your **Compulsory Supervision Order (CSO)** but continue to live with your carers.

After Care is the support you get once you've left care by being taken off your **Compulsory Supervision Order (CSO)** and are defined as a '**care leaver**'. This can be a basic living allowance or housing support up to 26.



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- **Through Care:** is for anyone leaving care who is **'looked after away from home'** (so living with foster carers, kinship carers or in residential care) **on or after your 16th birthday.**
- **After Care:** is available **until you're 26** if you came off your **Compulsory Supervision Order (CSO)** on or after your 16th birthday.
- **Continuing Care:** You can access this between the **ages of 16 to 21.**

What are Your Rights?



- You have **a right to continue to be cared for**, and to not be rushed into 'leaving care' or living independently until you feel ready to do so. For example, if you leave care before your 16th birthday, you might not be eligible for aftercare.
- When you ready to leave care, you have **a right to ongoing aftercare support up until your 26th birthday** if you need it.
- You have **the right to have your views taken into account**, and should be given plenty of time to understand your rights and choices before having to make any decisions.
- You have **the right to independent advocacy to help throughout your journey.** You can find out more at [whocarescotland.org](https://www.whocarescotland.org)
- For continuing care, you also have **the right to a full welfare assessment and a written decision about where you will stay.**
- For aftercare, you also have the right to: **have your needs assessed, to a plan to help you get the support and accommodation you need, a written decision about your needs and an appeal if you disagree with the assessment.**



Even though it can feel scary, it is really good to learn about your rights, so that you can make the best decisions for yourself

Find out more about Who Cares? Scotland and how we can support you by visiting **www.whocaresscotland.org**.

If you need this resource pack in another format please email **comms@whocaresscotland.org**

Think your rights are not being upheld?

You can get lifelong
advocacy support through

THE HELPLINE

0330 107 7540

help@whocaresScotland.org

Open 12 noon to 4pm
Monday to Friday



For more information about your rights you can
visit celcis.org, cypcs.org.uk and
clanchildlaw.org.

Your rights are protected in law under The
Children Scotland Act 1995, which was amended
by the Children and Young People (Scotland) Act
2014.

Glossary

Complicated words can make it harder to understand what is going on. We have highlighted some difficult words and terms used in this pack and explained what they mean below.

Advocates - also known as Advocacy and Participation Workers (APWs), are people who can support you to make your views heard or may sometimes speak on your behalf.

Care Leaver - someone who was taken off their Compulsory Supervision Order on or before their 16th birthday. We prefer to use the term Care Experienced person as we know care doesn't leave you.

Chair of the Hearing - is the person who will lead the conversation of a Children's Hearing.

Children's Hearing - is a legal meeting set up because there are concerns about your wellbeing or the care you are receiving.

Contact - is when you get to spend time with your birth family that you might not live with. We prefer to use the term 'family time' but in documents and processes it might be called 'contact'.

Compulsory Supervision Order - this is a formal order made by a Children's Hearing. It's for children or young people who need additional protection or support. It means their local authority has to support them and give their family help. It can also mean the child or young person has to live away from their family.

Family Time - is when you get to spend time with your birth family that you might not live with. This is sometimes called 'contact'.

Local Authority - this is the local council that is responsible for all public services in an area.

Panel - at every Children's Hearing there are always three volunteers, called Panel Members. This is referred to as a 'panel' it is their job to understand your circumstances, listen to your views, and then make decisions about your care.

Pre-hearing panel - this can be arranged before a Children's Hearing to make decisions on issues before a Children's Meeting. This could be deciding if someone should be included such as a brother or sister.

Reporter - this person's main job is to make a decision about if a Children's Hearing meeting will take place for a child or young person.

If you ever need help understanding different phrases or terms used by professionals in your life, you can get in touch with our Helpline - details are on the back page.