

FAMILY ENVIRONMENT AND ALTERNATIVE CARE CHILDREN DEPRIVED OF A FAMILY ENVIRONMENT

Exploring children's rights
issues for reporting to the UN
Committee on the Rights of
the Child



WHO CARES? SCOTLAND

Who Cares? Scotland [WC?S] is an independent advocacy and influencing organisation working with people who have experience of the care system.

- Provide direct advocacy to people with care experience
- Create opportunities for local and national participation
- Ensure Care Experienced people in Scotland have knowledge of their rights.
- Empower positive participation in the formal structures and processes
- Ensure the voice of the Care Experienced population of Scotland informs everything we do as an organisation

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AIM OF TODAY'S DISCUSSION

Understand how the recommendations from the 2019 report need to be adapted and enhanced as Scotland moves towards incorporating the UNCRC.

Share evidence to inform the UN Committee's next examination of the UK's progress in implementing the UN Convention on the Rights of the Child (UNCRC).



CHILDREN DEPRIVED OF A FAMILY ENVIRONMENT

(STATE OF CHILDREN'S RIGHTS IN SCOTLAND PP.74-84)

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Care experienced children

- Family support (edges of care)
- Supporting kinship, adoption and foster families
- Looked after children at home
- Kinship carers
- Fostering

Care leavers

- Continuing care
- Poverty and financial precariousness
- Homelessness

Changes in placements, sibling contact, advocacy and adoption



WC?S INFLUENCING WORK ON RIGHTS

‘40 Years of Us’ evidence from advocacy and participation work

- Letter to the First Minister by the Collective
- We Don't Have to Wait - 36 asks

Accountability, love, health, home, education and employment

The right to independent advocacy for all Care Experienced people

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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."

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OTHER KEY RIGHTS THEMES 2019-20

- Continuing care implementation
- Care Experienced bursary
- Stand Up For Siblings
- Childhood convictions/criminalisation
- Impact of restraint
- UNCRC Incorporation
- Access to justice
- Care records
- Homelessness

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WHAT HAS COVID-19 TAUGHT US?



- WC?S adopted new approaches to supporting Care Experienced people across advocacy, participation and employment.
- Established a helpline - main point of contact and support for Care Experienced people. Recognised vulnerability and likelihood to be disproportionately impacted by the measures in place, with the potential to leave them isolated, anxious and destitute.
- Have utilised evidence to provide impact reports - systemic issues revealed.
- Wider fragility of our care and protection system to uphold all children's rights, importance of the Independent Care Review.

WHAT HAS COVID-19 TAUGHT US?

- The examples and stories presented to WC?S during the pandemic, show the challenges faced by the care sector in applying general guidance to the complicated system.
- And for Care Experienced people, who may be less likely to have the support networks of family in place, which are assumed as a resource that everyone can fall back on.
- When Scottish Government has designed tailored guidance for the care system, this has better equipped people with to adapt their decisions and behaviours accordingly.

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WHAT HAS COVID-19 TAUGHT US?

Balancing human rights during the pandemic...

- Need to protect from the virus can compete with the need to uphold the rights of Care Experienced people.
- Innovative practice is happening, with Care Experienced people, carers and services responding in different ways to the pandemic.
- Nature of WC?S's work providing Independent Advocacy and now the Covid-19 helpline, understandably points to the challenges that Care Experienced people and their families face.



WHAT HAS COVID-19 TAUGHT US?

Key challenges for Care Experienced community

1. **Poverty:** destitution, material deprivation, social security, debts
2. **Health and Wellbeing:** social isolation, bereavement, relationship impact
3. **Information and Participation:** education and equipment, impact of digital participation
4. **Provision of Care:** placement changes, contact, rise in anxiety
5. **Support:** changing nature of professional support, education

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WHAT HAS COVID-19 TAUGHT US?

- Incredible response by many in care sector but also revealed the underlying structural issues of the care system in Scotland.
- Compounded trauma of Care Experienced individuals who have experienced lockdown and a reduction in support available to cope.
- Implementation of the Independent Care Review's Promise for Scotland's care system must consider the impact of Covid-19.
- Incorporation of UNCRC more important than ever to ensure children's rights are prioritised.



USEFUL LINKS



- [Impact of Covid-19 on Scotland's Care Experienced Community - May 2020](#)
- [Impact of Covid-19 on Scotland's Care Experienced Community - April 2020](#)
- [We Don't Have to Wait Report, June 2019](#)
- [#RightTime Blog for Together Scotland on Continuing Care](#)
- [#RightTime Blog for Together Scotland on the Care Experienced bursary](#)
- <https://www.standupforsiblings.co.uk/>
- <https://www.whocaresscotland.org/what-we-do/policy/>



CHILDREN DEPRIVED OF A FAMILY ENVIRONMENT

CURRENT RECOMMENDATIONS

(PP.74-84)

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1. Ensure that the reform of the care system is shaped by the views of children, evidenced outcomes, and guided by the recommendations of the Independent Care Review;
2. Ensure that family support services are in place to enable families to stay together where it is safe for them to do so;
3. Ensure that kinship and foster carers, and adoptive families are provided with appropriate support (including financial) to meet children's needs.
4. Scottish Government should minimise placement changes and provide support to ensure trusting, long-lasting relationships thrive.
5. Support local authorities to ensure that siblings are placed together where this is in their best interests and taking account of their views;

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6. Ensure sufficient numbers of foster carers are recruited, including those able to accommodate disabled children and larger sibling groups of children;
7. Ensure local authorities promote and support sibling contact.
8. Ensure full implementation of the rights to Aftercare and Continuing Care under the 2014 Act, including through sufficient funding and resources, awareness-raising and training. Young care leavers should be actively involved in all stages of preparing for, planning and evaluating their throughcare, Aftercare and Continuing Care support.
9. Ensure care experienced children have consistent access to high quality independent advocacy;
10. Ensure full implementation of Section 122 of the Children's Hearings (Scotland) Act 2011 on the provision of advocacy services within the Children's Hearing System.

OVER TO YOU!

- What are the major children's human rights concerns?
- Are there any **new developments or issues** that have arisen since Together's 2019 report, or anything that is missing?
- **What needs to happen** to ensure children's human rights are protected, respected and fulfilled?
- From your discussion, what are the **top three issues** that Together should include in its report to the UN Committee? Why have you chosen these?

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