

Citizen Participation and Public Petitions Committee
Wednesday 25 September 2024
14th Meeting, 2024 (Session 6)

PE1958: Extend aftercare for previously looked after young people, and remove the continuing care age cap

Introduction

Petitioner Jasmin-Kasaya Pilling on behalf of Who Cares? Scotland

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to:

- Extend aftercare provision in Scotland to ‘previously looked after’ young people who left care before their 16th birthday, on the basis of individual need;
- Extend continuing care throughout Care Experienced people’s lives, on the basis of individual need; and
- Ensure Care Experienced people are able to enjoy lifelong rights and achieve equality with non-Care Experienced people. This includes ensuring that the UN Convention on the Rights of the Child and the findings of The Promise are fully implemented in Scotland.

Webpage <https://petitions.parliament.scot/petitions/PE1958>

1. [The Committee last considered this petition at its meeting on 22 November 2023.](#) At that meeting, the Committee agreed to write to the Minister for Children, Young People and Keeping the Promise, and the Scottish Throughcare and Aftercare Forum (Staf).
2. The petition summary is included in **Annexe A** and the Official Report of the Committee’s last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Scottish Government, Staf, and the Petitioner which are set out in **Annexe C**.
4. [Written submissions received prior to the Committee’s last consideration can be found on the petition’s webpage.](#)
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial position on this petition on 6 October 2022.](#)
7. Every petition collects signatures while it remains under consideration. At the time of writing, 532 signatures have been received on this petition.

8. Members may wish to note that [the Scottish Government published refreshed guidance on continuing care](#) in July 2024.
9. Members may also wish to note that the 2024-25 Programme for Government includes a commitment to “continue work to Keep the Promise by consulting on the next stages of reform of the childrens’ hearing system, future of foster care, and the support available to those moving on from care.”
10. [The Scottish Government ‘Moving on’ from care into adulthood consultation](#) opened on 11 July 2024 and will close on 3 October 2024.

Action

11. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
September 2024

Annexe A: Summary of petition

PE1958: Extend aftercare for previously looked after young people, and remove the continuing care age cap

Petitioner

Jasmin-Kasaya Pilling on behalf of Who Cares? Scotland

Date Lodged

6 September 2022

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to:

- Extend aftercare provision in Scotland to 'previously looked after' young people who left care before their 16th birthday, on the basis of individual need;
- Extend continuing care throughout Care Experienced people's lives, on the basis of individual need; and
- Ensure Care Experienced people are able to enjoy lifelong rights and achieve equality with non-Care Experienced people. This includes ensuring that the UN Convention on the Rights of the Child and the findings of The Promise are fully implemented in Scotland.

Previous action

We have previously contacted:

- Bill Kidd MSP and Carol Monaghan MP
- The previous Minister for Children and Young People, Maree Todd
- First Minister.

They and their teams directed me to The Promise or 1000 Voices project.

Background information

When we ensure everyone in our community has access to the support they need, if and when they need it, everyone benefits. Some Care Experienced people in Scotland today are finding services inaccessible due to arbitrary criteria relating to their age and when they left care. They are often left to navigate difficult issues without support that many of their Care Experienced peers are entitled to. We can fix this by improving legislation to include all Care Experienced people who need support.

I have numerous examples of 'previously looked after' peers not being given access to the same support I have. My own support ended at the age of 24, but care hasn't left me, it has lifelong implications.

CPPP/S6/24/14/3

I have also gathered evidence from Who Cares? Scotland's advocacy, Helpline and reports, as well as CELSIS' Continuing Care report and Clan Child Law's blog.

Without support to access our rights, we can be left facing stormy waters with no lifeline.

Annexe B: Extract from Official Report of last consideration of PE1958 on 22 November 2023

The Convener: PE1958 is on extending aftercare for previously looked-after young people and removing the continuing care age cap. The petition was lodged by Jasmin-Kasaya Pilling, who I can see is with us in the public gallery again—she must have a season ticket for our proceedings, as I like to say to regular attendees—on behalf of Who Cares? Scotland.

The petition calls on the Scottish Parliament to urge the Scottish Government to extend aftercare provision in Scotland to previously looked-after young people who left care before their 16th birthday, on the basis of individual need; to extend continuing care throughout care-experienced people’s lives, on the basis of individual need; and to ensure that care-experienced people are able to enjoy lifelong rights and achieve equality with non-care-experienced people. That includes ensuring that the United Nations Convention on the Rights of the Child and the findings of the Promise are fully implemented in Scotland.

Members will recall that, at our previous meeting, we heard evidence from the Minister for Children, Young People and Keeping the Promise, Natalie Don MSP, and Scottish Government officials Cara Cooper and Sarah Corbett. During that meeting, the minister recognised that the care and support provided to care-experienced individuals is inconsistent, and she talked about a determination to

“review and co-design the policies and supports for people with experience of care alongside those with lived experience”.—[Official Report, Citizen Participation and Public Petitions Committee, 8 November 2023; c 2-3.]

We also heard that a consultation process is planned for 2024, with the Promise bill expected to be introduced to the Parliament for consideration in 2025—which is getting a little bit near the end of this parliamentary session.

Since our previous meeting, we have received a submission from the Scottish Government providing clarification on whether legislative change would be required to achieve the things that are called for in the petition and providing the requested details on educational outcomes—I think that Maurice Golden asked about that—and on looked-after children, and data on social work staff retention and recruitment.

We have also received two submissions from the petitioner, Jasmin, sharing her reflections on the evidence that we have gathered, and additional information provided by the Scottish Government, which she has had a chance to consider. While welcoming the work being done by the Scottish Government, Jasmin highlights the reviews and consultations that have already taken place, where care-experienced people shared their views, and she cautions against further consultations, which risk asking people to relive trauma while they continue to wait for solutions to be developed and implemented.

While the evidence that we took from the Minister for Children, Young People and Keeping the Promise at our previous meeting in response to our questions is still

fresh in our minds, do we have any comments or suggestions in consequence of that?

David Torrance: I wonder whether the committee might consider writing to the Scottish Throughcare and Aftercare Forum, seeking its views on the action called for in the petition, and seeking further details about the work that it is carrying out as part of its 100 days of listening.

The Convener: There is probably merit in pursuing the issue with the minister a little further, too. Do you have any proposals in that regard?

David Torrance: I have a whole list that I would like to go through, if we have time.

The Convener: Yes.

David Torrance: I wonder whether we might consider writing to the Minister for Children, Young People and Keeping the Promise to ask the Scottish Government what data it has on the number of care-experienced people who have been removed from compulsory supervision orders before their 16th birthday and asking it to provide further information on the steps that it is taking to address the issue of children and young people being removed from CSOs before their 16th birthdays without the long-term consequences on their support being explained. We could ask whether the Scottish Government has considered providing some form of redress to care-experienced people who were removed from CSOs prior to their 16th birthday but who would have remained on a CSO had they been made aware of the long-term consequences of the decision.

We could also seek clarity on the timeline for updating guidance in relation to the provision of continuing and aftercare services, and on what further progress the Scottish Government intends to make on the issues raised by the petition that do not require legislative change between now and the introduction of the Promise bill. Lastly, we could recommend that the Scottish Government explore options for accelerating work on its Promise bill and for making effective use of existing evidence to ensure that care-experienced people of all ages do not have to relive traumatic experiences through multiple consultation processes.

The Convener: Maurice, you were told, “There’s a website you can go and look at.” That was the response that you got from the Scottish Government: “Away and find out for yourself, mate.” I think that that was the answer that you were given. Does anything that arises from the response in relation to the ability of local authorities to meet the expectations upon them—which you asked about—lead to further questions that you may wish to put?

Maurice Golden: Those would most likely be covered through Dave Torrance’s suggestions.

The Convener: So, you are content to support those.

Maurice Golden: Yes.

The Convener: Fergus, is there anything that you would like to add?

Fergus Ewing: I think that Mr Torrance has covered most things. I absolutely endorse the comments that all members have made. There is an awful lot to be answered by the minister. Overall, there is a feeling that nothing very much is going to happen any time soon, and what might happen will happen many years hence. That was the feeling that I got.

The minister was full of good intentions, which came shining through at our previous meeting, but there was a lack of clarity. What exactly is going to be done, by whom, when and how? Does the Government have an indication of when the Promise bill will be implemented, assuming that it is passed? Quite a lot of legislation that is passed is never implemented.

The Convener: Yes.

Fergus Ewing: That is often for practical reasons to do with the costs of implementation. It may be that the Government knows well that it will not be able to afford implementation soon, given the financial pressures that we were hearing about yesterday, and so on. I just wanted to add that point, for the benefit of the clerks when they are framing the committee's letter.

The Convener: That would be useful, because it is a recurring feature. When we are considering petitions that are pursuing why legislation has not been implemented, the response is often very much a case of, "Well, the funding isn't in place to allow us to do it." We would like an indication of whether the Government is confident that the funding will be in place when the bill is finally progressed.

Are we content to take forward the petition and seek further clarification on the back of the evidence that we heard from the minister at our previous meeting?

Members *indicated agreement.*

Annexe C: Written submissions

Scottish Government submission of 20 December 2023

PE1958/F: Extend aftercare for previously looked after young people, and remove the continuing care age cap

1. This submission provides further information and clarification in response to correspondence from the Participation and Public Petitions Committee, which was received by the Scottish Government on 24 November 2023.
2. The Committee asked for further information as set out below:
 - what data the Scottish Government has on the number of Care Experienced people who have been removed from Compulsory Supervision Orders (CSOs) before their 16th birthday;
 - further information on the steps the Government is taking to address the issue of children and young people being removed from CSOs before their sixteenth birthdays without the long-term consequences of this on their support being explained;
 - whether the Scottish Government has considered providing some form of redress to Care Experienced people who were removed from CSOs prior to their 16th birthday, but who would have remained on a CSO had they been more aware of the long-term consequences of this decision;
 - clarity on the timeline for updating guidance in relation to the provision of continuing and aftercare services;
 - what further progress the Scottish Government intends to make on those issues raised by this petition, which do not require legislative change, between now and the introduction of the Promise Bill;
 - options for accelerating work on The Promise Bill;
 - How the Scottish Government will make effective use of existing evidence to ensure that Care Experienced people of all ages do not have to relive traumatic experiences through multiple consultation processes;
 - information on the implementation plan for The Promise Bill, specifically whether the Government is confident the required funding will be available to support this plan and ensure measures come into effect in a timely manner once the Bill is enacted.

This response will address each of the issues set out above in turn.

The number of Care Experienced people who have been removed from Compulsory Supervision Orders (CSO) before their 16th birthday.

3. It is important to highlight that one of the fundamental principles of The Promise is supporting families to thrive. The Promise states that “Where children are safe in their families and feel loved they must stay – and families must be given support together to nurture that love and overcome the difficulties which get in the way.”
4. In many cases a CSO will be terminated because the family has been supported to address difficulties and it is safe and appropriate for the child or young person to return or remain with their family without the need for compulsory measures.

Table listing the number of CSO’s terminated for different ages:

Year	Age at order terminated ¹					
	12	13	14	15	16	17
2018/19	129	126	164	303	507	329
2019/20	138	142	143	286	472	352
2020/21	88	97	114	176	403	225
2021/22	137	102	108	217	411	381
2022/23	87	90	109	136	326	366

5. The table includes the officially published data, which includes data on CSOs terminated due to Permanence or Adoption Orders.
6. As children can remain on a CSO up to their 18th birthday, we have included the figures for orders terminated at the age of 17 to provide context. For 17-year-olds, some orders are allowed to expire rather than a Hearing being arranged before the child’s 18th birthday. These are included in the figures for orders terminated at 17.
7. There will be a number of 16-year-olds who remained on a CSO through to age 17. The data shows that an increasing proportion of CSOs terminated were for children aged 16+ over the past five years. This illustrates that increasing proportions of children are being supported by the Hearings System beyond the age of 16 which aligns to the UNCRC principle that everyone under 18 is a child. It also aligns with the provisions within the Children (Care and Justice) (Scotland) Bill, which will see more children aged 16 and 17 being referred to the Children’s Hearing System.
8. Within this dataset, there were 75 children who have had CSOs terminated but who have subsequently had another CSO made; this indicates the flexibility of support and decision making within the Children’s Hearings System.

¹ https://www.scra.gov.uk/resources_articles_category/official-statistics/

What steps the Government is taking to address the issue of children and young people being removed from CSOs before their sixteenth birthdays without the long-term consequences of this on their support being explained.

9. Any child or young person on a CSO should have a Child's Plan in place, and this plan should be used to support their transition from compulsory measures by enabling all of those involved to sufficiently plan for changes together, and in time, to ensure co-ordination and continuity of support.
10. A CSO often places conditions on a child, such as where the child must live or other conditions which must be followed. The Children's Hearing may make, vary, or continue the order or interim variation or grant the warrant, only if the Children's Hearing considers that it would be better for the child if the order, interim variation, or warrant were in force than not.
11. The fundamental principle of Getting it right for every child (GIRFEC) is to provide all children, young people, and their families with the right support at the right time. Well-planned transitions are a vital element of a support planning process that works for children or young people and their families, and the GIRFEC principles and approach should be applied consistently across the range of services around a child or young person, regardless of whether or not a child or young person is subject to a legal order.
12. To provide context on how relevant agencies are approaching decisions regarding CSOs, Social Work Scotland published a Position Statement in 2019 on children aged between 15 and 17 in the Children's Hearing System², which stated:

Children should continue to be supported on a CSO between the ages of 16 and 18 years, when this is in their best interests: Social Work Scotland is committed to the principle of ensuring that children remain subject to a CSO beyond aged 16 (and up to age 18) when this is appropriate and justified.

13. The Children's Panel training manual³ states:

If a children's hearing considers that a compulsory supervision order is no longer necessary for the child, they may terminate the compulsory supervision order. It is important for panel members to be mindful of the Whole System Approach which promotes vulnerable children remaining on compulsory supervision for an appropriate time after they have reached 16 and potentially up until their eighteenth birthday to ensure that they make as successful transition into adult society as is possible.

14. In 2017 the Scottish Children's Reporter Administration (SCRA) published a report *16 and 17 year olds in the Children's Hearings System, Decision making*

² [Social-Work-Scotland-WSA-Guidance.pdf \(socialworkscotland.org\)](#)

³ [The Children's Hearings System in Scotland: Training Resource Manual Volume 1: Legislation and Procedure \(www.gov.scot\)](#)

on continuation of Compulsory Supervision Orders past young people’s 16th birthdays⁴. The report found that:

Much of the current debate on the continued involvement of young people in the Hearings System has centred on the view that Hearings decide to terminate CSOs too early. This research has shown that there is little evidence to support this and that in most cases Hearings do continue young people’s CSOs past their 16th birthdays.

15. The following data tables were included in the report to support the findings:

Table listing reasons for terminating CSOs before 16th birthday:

Table 6. Reasons for terminating CSOs before 16th birthday

Reasons for CSO termination	Number of young people*
Young person will engage with services on a voluntary basis	20 (62%)
Young person’s improved behaviour/ engagement/ progress	16 (50%)
Young person’s plans for education/ training/ employment	10 (31%)
Original non-attendance grounds no longer apply	6 (19%)
CSO has made no difference/ young person’s non compliance	5 (16%)
Family support	5 (16%)
Young person is nearly 16	3 (9%)
Others	4 (12%)
Total young people	32

*Some Hearings gave more than one reason

Table listing types of CSO when first made, before Hearing within 3 months of 16th birthday, and at Hearing within 3 months of 16th birthday:

Table 4. Types of CSO when first made, before Hearing within 3 months of 16th birthday, and at Hearing within 3 months of 16th birthday

CSO type	CSO - 1st made	CSO prior to Hearing held within 3 months of 16 th birthday (i.e. aged <15%)	CSO at Hearing within 3 months of 16 th birthday (i.e. aged >15%)
At home – parent/ relevant person	70 (62%)	46 (41%)	25 (22%)
Foster care	16 (14%)	20 (18%)	15 (13%)
Kinship care	16 (14%)	13 (12%)	9 (8%)
Local authority home/ Children’s Unit	7 (6%)	14 (13%)	20 (18%)
Residential school	0	8 (7%)	5 (4%)
Secure Unit	<5	10 (9%)	5 (4%)
Others*	<5	<5	<5
Not recorded	<5	0	0
CSO terminated	0	0	32 (28%)
Total			113

*Shared care, prospective adopters, other residential

16. In November 2020, the Scottish Government launched a national advocacy service to support children and young people who may need independent, expert advocacy support to reinforce their rights when they may need to be involved in a

⁴ [16-and-17-year-olds-in-the-Children’s-Hearings-System.pdf \(scra.gov.uk\)](https://www.scra.gov.uk/16-and-17-year-olds-in-the-Children’s-Hearings-System.pdf)

Children's Hearing. The Scottish Government provides funding to third sector organisations to provide children's advocacy services across Scotland, including £640,939 to Who Cares? Scotland. The chair of a Children's Hearing has a legal duty to inform the child or young person of the availability of advocacy services.

17. It is a key part of the role of an advocacy worker to help children and young people to understand and explore their options and their rights, and to provide information to help the child or young person make informed decisions. An advocacy worker helps to ensure that the child or young person is able to participate and that their views are heard. Annual reporting shows increases in referral rates and complexity in circumstances.
18. The Scottish Government also funds training and a Legal Support Service for independent children's advocacy workers in the Children's Hearing system to support these advocacy workers to increase their knowledge of how to use children's rights to advocate for and support children and young people at Children's Hearings. The Legal Support Service enables advocates to help the children they are supporting through raising awareness of rights.

Consideration of redress for Care Experienced people who were removed from CSOs prior to their 16th birthday, but who would have remained on a CSO had they been more aware of the long-term consequences of this decision.

19. The Scottish Government has not considered redress for care experienced people who were removed from a CSO prior to their 16th birthday. Decisions on CSOs are made independently of the Scottish Government, and so it may not be appropriate for such a mechanism to be put in place.

Timeline for updating guidance in relation to the provision of continuing and aftercare services.

20. Scottish Government officials are currently updating the continuing care guidance and are planning to seek feedback from key stakeholders before publication, which is scheduled for Spring 2024. Updates to aftercare guidance will be considered and consulted on during 2024.

Progress the Scottish Government intends to make on those issues raised by this petition, which do not require legislative change, between now and the introduction of the Promise Bill.

21. To meet the ambitions of The Promise, the Scottish Government is working collaboratively with key stakeholders, including people with lived experience to ensure that all young people are provided with person-centred support specific to their own transition from care.
22. To fully address the concerns identified by The Promise, work is underway on broader policy development that responds to the challenges faced by young people moving on from care, and supports the provision of holistic, lifelong support.

23. As part of this policy development work, we are listening to those with lived experience through our partnership work with the Scottish Throughcare and Aftercare Forum's (Staf) '100 days of listening' to better understand specifically what needs to change so young people experience the best possible support to move on from care into independent adulthood.
24. Staf is seeking to lead a change programme to accelerate the pace of change required for Scotland to achieve the 'Moving On' calls for action within The Promise. The Moving On Change Programme is actively facilitating opportunities to listen to and understand what those with experience of care, and the workforce, need and want to happen for The Promise to be kept for those moving on from care.
25. We will use the themes which emerge from the 100 days of listening to inform the consultation we will launch in Spring 2024 on what the support package needs to include in Scotland to best support our care experienced young people to flourish.
26. This work builds on what we have already done to improve outcomes for care experienced young people. Examples include:
27. **The Care Experienced Bursary**, which was introduced in academic year 2017/18. It is a non-repayable grant available to Further and Higher Education students with experience of care. The recent increase to £9000 per year represents the next step in the commitment to provide a total package of support equivalent to the living wage whilst also addressing the cost of living crisis and the impact this is having on students. Additionally, care experienced students can apply for **The Care Experienced Accommodation Grant** to help with accommodation costs during the summer holiday.
28. **The Care Experienced Children and Young People Fund** was introduced in 2018/19 to provide investment for local authorities to fund initiatives and interventions aimed at improving educational outcomes for care experienced children and young people, supported by the strategic goals of The Promise and the Scottish Attainment Challenge.
29. In 2018 to ease the financial burden on care leavers, the Scottish Government brought regulations into force to **exempt care leavers up to the age of 26 from paying Council Tax**.
30. **Care experienced parents can access funded early learning and childcare for their 2-year-old**. Eligibility varies by local authority, most local authorities state that parents with experience of care are eligible to apply.
31. Care experienced people are also supported as part of the **children and young people's Community Mental Health and Wellbeing Supports and Services Framework** until the age of 26. The Scottish Government is providing local authorities with £15 million per annum to fund community-based mental health supports for children and young people, their family members, and carers.

32. The Scottish Government is also currently supporting The Promise Scotland to scope a report making recommendations for **a national lifelong advocacy service for care experienced people and their families**. The report will recognise there may be a need for distinct offerings, independent of one another. It will also take account of the need for independent advocacy and be clear about the definition of independent advocacy. The Promise Scotland has advised they will submit their report to Scottish Ministers for consideration by the end of 2023.
33. We recognise the particular challenges faced by young people who are moving on from care and into adulthood. At any age and for any young person, moving on from home is a challenging time, but when there are limited support networks in place, these challenges can be exacerbated. That is why work is underway to develop **The Care Leaver Payment**, which is proposed as a £2000 one-off payment to young people moving on from care. The proposed payment is intended to help reduce some of the financial barriers that young people face whilst moving on from care and into adulthood and more independent living.
34. The proposed Care Leaver Payment will form part of a broader package of existing support which includes, but is not limited to, access to continuing care and aftercare support for care leavers, the Care Experience Bursary and Council Tax Exemption for care leavers.
35. We launched a [public consultation on policy proposals for the payment](#) on 3 November 2023. The consultation includes questions on a range of issues including the purpose of the payment, the eligibility criteria for the payment and the support required to apply for and manage the payment. The consultation marks the beginning of the formal conversation in developing the proposed payment. Co-designing the new payment with people who have experience of care and those who provide support to people with care experience will help us to develop a payment which best meets the needs of our young people as they move on from care.
36. The Social Security (Amendment) (Scotland) Bill, introduced to Parliament on 31 October, includes a regulation-making power to create one or more schemes to provide financial assistance for people with care experience. It is intended that this power will be used to deliver the Care Leaver Payment. Details on the eligibility criteria, processes and delivery model will be set out in regulations.

Recommendation that the Scottish Government explore options for accelerating work on The Promise Bill

37. We will introduce a Promise Bill by the end of this Parliamentary Session which will provide opportunity to make legislative changes in support of actions to Keep The Promise. For example, legislation may be needed to implement recommendations of the Children's Hearings System Working Group; and in support of guidance that requires to be put on a statutory footing to aid public authorities to do what is necessary to Keep The Promise.
38. To ensure The Promise Bill has the intended impact, it is important that time is taken to consult properly and meaningfully with care experienced people, foster and kinship carers, professionals and practitioners who support care experienced

people and key stakeholders before legislation is introduced. Work is underway to deliver the actions set out in The Promise as quickly as possible.

Recommendation that the Scottish Government explore options for making effective use of existing evidence to ensure that Care Experienced people of all ages do not have to relive traumatic experiences through multiple consultation processes.

39. We aim to build on the work of the Independent Care Review rather than duplicate it and will refer to the learning set out in The Promise before conducting new consultation or engagement activity. To ensure policies are being developed in alignment with the feedback and views of care experienced people, it is important that the understanding and approach taken by Scottish Government is sense-checked with those with lived experience. We aim to do this in a trauma-informed and supportive way.
40. We are also aware of the importance of feeding back progress updates and explaining to those who do participate in engagement and consultation activities how their feedback has been used. We will continue to prioritise closing the feedback loop when engaging with the care experienced community.
41. We are actively seeking opportunities to work with our strategic partners to prevent over-consulting and asking care experienced people to tell us what they have already told us. As set out at paragraph 24, Staf is leading a change programme to accelerate the pace of change required for Scotland to achieve the 'moving on' calls for action within The Promise. We are working in partnership with Staf on the 100 Days of Listening consultation to listen to and understand what those with experience of care, and the workforce, need and want to happen for The Promise to be kept for those moving on from care.

Information on the implementation plan for The Promise Bill, specifically whether the Government is confident the required funding will be available to support this plan and ensure measures come into effect in a timely manner once the Bill is enacted.

42. As is normal practice during a Bill's development, the Scottish Government will give careful consideration to the financial implications and timescales for delivery for each of the provisions set out within the Bill. The Financial Memorandum, which will accompany the introduction of the Bill to Parliament, will include modelling on the costs to implement the provisions in the Bill.

Petitioner submission of 5 February 2024

PE1958/G: Extend aftercare for previously looked after young people, and remove the continuing care age cap

I would like to begin by thanking the Scottish Government for providing further information and clarification as requested by the Committee.

Scaffolding is one of the five foundations of the Promise Scotland for families.

“Children, families and the workforce must be supported by a system that is there when it is needed: the scaffolding of help, support and accountability”

The Scottish Government highlights the reduction of young people growing up in the care system through the interventions in place to support families, with many young people being removed from their CSOs due to presence of adoption orders. However, the figures do not highlight the higher numbers of young people being removed from CSOs due to being placed under a kinship care order, or figures not being recorded accurately due to COVID-19. [Further detail is available in the Children’s Social Work Statistics 2021-22](#) (see Table 2.1)

Children should grow up in a safe and loving environment. This is supported by the UNCRC which emphasises “there should be extra protection for them” [children]. It is, therefore, important that young people are aware of their rights and protected to understand the impact any decision to remove CSOs

Further information on the destination accommodation of young people removed from CSOs is provided in [Table 2.5 of Children’s Social Work Statistics 2021-22](#).

The Scottish Government highlights that care plans should be in place; it is worrying that the term “should” is being used as this indicates that there is no certainty that this is being replicated throughout all local authorities. In 2021-2022, 27% of young people in Scotland who were 16 or over did not have a care plan in place when they ceased to be looked after. This number is worrying as they are eligible for aftercare support, and then poses the question of the impact on the number of children who are not eligible for aftercare support? It is crucial, that in line with GIRFEC, all children who ceased to be looked after in Scotland have a care plan in place.

Recommendations

- A young reader friendly version of plans, such as the Pinky Promise document
- A team to support young people to understand the outcome of this decision.
- Families supported to understand the decisions made during these meetings and invited to attend meetings where appropriate.

People who have ceased to be looked after engage with several services for support when they reach crisis point. I welcome the Scottish Government establishing a national advocacy helpline with Who Cares? Scotland, which to date has received 3,500 calls, with the following areas of concern being raised by care experienced people: finance, education and training, housing, legal, health and wellbeing and dissatisfaction of service as [listed in the lifelong rights report](#).

It is also important to highlight that if young people do not want to receive advocacy, how can they ensure their rights will still be upheld?

It is crucial for the Scottish Government to be open to a redress scheme to compensate care experienced people who did not receive the support due to the age criteria - it is their moral duty as a corporate parent. Young people who have been

left without continued care have not been scaffolded by services due to legislation and policy refusing to identify their needs or care experience title.

I welcome the ongoing work the Scottish Government and partner organisations such as STAF, are undertaking. It is vital to have the voices of people with lived experience to support the work that is going to implement change. I have given my own account during the launch of the 100 days of listening, openly discussing the urgency for policy and legislation to:

- recognise care experience as being lifelong
- end the practice of terminating CSOs early
- include previously looked after people in the official government term for looked after young person.

When the Scottish Government conclude their findings, I hope that if these themes arise from other people these points will be examined closely.

There is also scope to further develop the financial support available for young people who choose an employment or training path. There is a lack of support, with employers not always having a true understanding of the pressure of leaving care and navigating a positive destination through employment.

Recommendations

- [DYW Workforce promise pledge](#)
- 'Promise Workplace' a mentor in place to act as a [trusted person in the young person's life](#).

It would be useful if the Care Experienced Children and Young People Fund was divided separately by the Scottish Government prior to being passed on to local authority education and social work departments, rather than being awarded as one lump sum to the local authority to improve attainment. This could promote separate work streams focused on attainment and family wellbeing, with funding also put aside for joint working projects, helping to support the scaffolding aspect of the Promise.

The council tax exemption has been vital for care experienced young people in lifting a financial burden, however barriers remain including providing proof of care experience for this exemption and for funded early learning funding/childcare places. Without this, care experienced parents lack the opportunity to sustain employment, training, and education. It can be very traumatic to provide evidence if an individual left care 10 or more years before having children, particularly when seeking evidence from departments they no longer have a relationship with.

Recommendations

- Provide care leaver with their care first number when leaving care, enabling them to navigate initiatives put in place.

It is also concerning that the response from the Government notes that eligibility for childcare varies depending on local authority. There should not be postcode lottery regarding the corporate grand parental support available.

I welcome the mental health funding proposal as it is vital to support young people leaving care with regards to mental health.

Current barriers

- Care leavers are presenting at crisis point to services.
- 6 years waiting list for specialist services.
- Lack of CPN triage support in complex trauma, childhood trauma, PTSD.
- Relationship building with 8 CPN workers during triage.
- Short sessions
- Lack of awareness of care experience as a risk factor.

Possible solutions

- CHI number linked to the Care first number.
- Risk factor understood.

Care experienced people have their care title on their health records for life, this is not being picked up with regards to the severity of the risk factor. Our experiences have lifelong implications which is backed by [research from the University of Edinburgh](#).

I welcome the news of the work The Promise Scotland is undertaking to scope a report making the recommendations for a national lifelong advocacy service. It must be inclusive to supporting all aspects of care experience such as marginalised groups. I believe this will achieve scaffolding.

The proposal for the care leaver payment would have a positive impact on the care community.

- Will this impact universal credit? Would the payment be £83.30 a month for two years?
- Are there two payments e.g. care experienced parents?

I would like to conclude by highlighting once again that there is a real impact of change with regards to keeping and delivering the Promise. I appreciate the work that is being done to improve the experiences for care experienced people.

Scottish Throughcare and Aftercare Forum (Staf) written submission, 5 April 2024

PE1958/H: Extend aftercare for previously looked after young people, and remove the continuing care age cap

Scottish Throughcare & Aftercare Forum (Staf) is Scotland's only membership organisation for all those involved in the lives of young people leaving care. Our organisational membership consists of the 32 Local Authority statutory Throughcare & Aftercare teams and a wide range of Corporate Parents, independent and voluntary organisations.

Our vision is that the wellbeing and success of young people leaving care in Scotland is indistinguishable from that of their friends and peers at a similar stage in their life.

Our work is rooted in amplifying voice and enabling care experienced people to gain confidence and self-determination. This is predominantly achieved through relationship-based practice and a strong youth work/community education ethos underpinned by our Values which are We Listen. We Care. We Love.

Staf, in partnership with The Promise Scotland, is currently developing a national strategic approach to 'Moving On' and the first phase of this has been to facilitate 100 Days of Listening (between October 2023 and March 2024). Our team have listened to over 345 'Moving On' experts, who either have experience of care or are part of the workforce supporting those with care experience. Analysis of what was heard during these listening sessions is now underway (anticipated completion June 2024).

Our contribution to the petition is therefore rooted in the conversations we have had with care-experienced people and the Workforce that supports them from within our membership and supported by 100 Days of Listening activity.

Extending aftercare provision in Scotland to 'previously looked after' young people who left care before their 16th birthday, on the basis of individual need.

The Promise is clear that chronological age limits to support is not sufficient in addressing the needs of some adults with experience of care. Some of the young people involved in our work have articulated that they would, or would have had some, benefit from being able to access aftercare beyond the age of 26. On page 92 of The Promise document, it clearly states that "Older care experienced people must have a right to access to supportive, caring services for as long as they require them. Those services and the people who work in them must have a primary focus on the development and maintenance of supportive relationships that help people access what they need to thrive." Removing age barriers to support and providing it based on need is something that Staf would be supportive of.

Our work with The Village and in particular our work to develop a 'care-experienced parents charter' shows the need for some aspects of support to be lifelong and not cut off at an arbitrary age. People whether care experienced or not can become parents well beyond the threshold for aftercare and need support. This has also been

a theme raised by care experienced people when meeting with The First Minister (October 2023) and The Minister for Children, Young People and Keeping the Promise (March 2024) facilitated by Staf.

Our recent Summit focussed on improving health and wellbeing outcomes for care experienced young people and the rich discussion from that day evidenced how health and wellbeing outcomes are life long and that our young people often need support with their mental health well beyond their 26th birthday.

Extending Continuing Care throughout Care Experienced people’s lives, on the basis of individual need.

The membership of Staf advise of a lack of adequate resources for delivering continuing care and aftercare meaning that services are being asked to do more with less and, against a backdrop of cost-of-living crisis and increased poverty for care leavers, makes practitioners and managers wary of increasing support beyond current statutory duties. Continuing Care practice needs to be better placed to be delivered with effective resource planning and systemic capacity to meet the need it is intended to address.

It should be acknowledged however that, overall, managers and practitioners we have spoken to support the aspiration of this petition.

The Promise document is clear that “Parenting responsibilities are life-long and holistic. This support should include young people staying ‘at home’, including with foster carers, for as long as is required.”⁵ For the Promise to be delivered it is imperative that the resource and capacity challenges are met to ensure that care does not cease primarily based on an individual’s chronological age.

Ensuring Care Experienced people are able to enjoy lifelong rights and achieve equality with non-Care Experienced people. This includes ensuring that the UN Convention on the Rights of the Child and the findings of The Promise are fully implemented in Scotland.

The Care Review found that it was generally agreed that age criteria for support is arbitrary and should be removed, replaced by life-long support⁶. However, there was no consensus on what life-long support should look like, and there were significant concerns about stigma and availability of support⁷. Types of life-long support included: holistic and emotional, mentoring, and crisis support, alongside provision of support to: maintain relationships, budget, or obtain passports or bank accounts (particularly for unaccompanied children and young people)⁸. The ‘Moving On’ change programme, of which the 100 Days of Listening is the second phase of, is seeking to better understand how such support could be devised and delivered.

The 100 Days of Listening has been focussed on seeking to understand how children and young people are currently being supported to move on from care

⁵ ‘The Promise’, 92.

⁶ ‘Evidence Framework’, 68.

⁷ ‘Evidence Framework’, 68–69.

⁸ ‘Evidence Framework’, 68–69.

however, it has had a primary focus of identifying solutions to ensure delivery of the promise for all those who move on from care at some point.

Whilst there have been examples of great practice cited and evidenced during this phase of the programme, this hasn't been the entirety of what has been heard. This process again reminds Scotland that when care planning or provision isn't delivered in the way that matches the rhetoric of national and local policy, the consequences are borne by those with the least resource; children, and young people Scotland would hope would have felt cared for.

Underpinning Staf's contribution to this petition is a recognition of the significance of relationship-based practice, a rights-based approach, and the value of person-centred holistic support for care-experienced people that would need to be in place to support implementation. The Workforce we have spoken to are in support of this. It is right that we invest in Scotland's care-experienced children and young people now. Therefore, it is vital the current entitlements are consistently fulfilled across Scotland and that we invest in their futures by ensuring that legislation, resources, and holistic support are adaptable for care-experienced people to realise equality with other citizens of Scotland.

Petitioner written submission, 11 September 2024

PE1958/I: Extend aftercare for previously looked after young people, and remove the continuing care age cap

I would like to begin by thanking the Committee for providing me the opportunity to provide further information. It is positive that on the [5th of February 2020 Scotland's Parliament and Government committed to Keeping the Promise](#), to ensure that all children will grow up safe, loved, and respected. This will enable them to thrive and achieve their full potential. The findings of the Independent Care Review highlighted that children and young people with experience of care have a harder challenge than their peers, in securing a safe and happy adulthood.

The petition I lodged on the 6th of September 2022 calls on the Scottish Government to:

- Extend aftercare provision in Scotland to "Previously looked after" young people who left care before their 16th birthday on the basis of individual need.
- Extend continuing care throughout care experienced people's lives, on the basis of individual need.

These asks were made in recognition that when care planning and delivery for children who have required the care and protection of the state does not go well the consequences are borne by the child or young person.

Care experienced young people have informed Scotland, through campaigning over the last decade, and with contributions to the Independent Care Review, that the move on from care can be an experience of being propelled into adulthood before they feel ready to do so. If they have not been fortunate enough to have an experience of care that has provided a sufficient network of support, they often

experience real hardship in isolation. This hinders individuals' ability to secure opportunities to thrive and contribute to Scottish society in the way we would hope for all citizens.

The Promise Scotland and the Scottish Through Care and Aftercare Forum (Staf) launched the 'Moving On' Change Programme in the summer of 2023. This programme is seeking to accelerate the pace of change required for the Promise to be kept for those moving on from care.

During the period the 23rd of October 2023 to the 29th of February 2024, the programme's 100 days of listening phase was undertaken. The 100 days of listening sought to engage with 'Moving On' experts, those with experience of care or part of the care workforce, to understand the experience of those moving on from care currently, and to identify the change opportunities to deliver the Promise.

During the 100 days of listening, the 'Moving On' Change Programme heard from over 365 'Moving On' experts. The insights they provided were broad and extensive, however, there were four cross-cutting themes identified from the analysis of what was heard:

- Systems and Services
- Housing, Finance
- Practical Support
- Life Skills.

[The report detailing what was heard can be accessed via the Staf website.](#)

It is my view that what was heard during the engagement phase of the 'Moving On' Change Programme builds upon what was heard during the Independent Care Review and reaffirms the need for the changes this petition has called for.

It is evidenced beyond doubt that the care system has the autonomy to provide needs-based support to those in need, however, too often this required support can only be accessed when the person with care experience can evidence legislative entitlement to such support; [this was highlighted by Who Cares? Scotland in a recent issue paper on lifelong rights for care experienced people](#). The transition into adulthood can be a challenge for all young people, but it is made harder for those with experience of care when the State elects not to provide them with the support to meet their needs. This petition seeks to provide a way of mitigating this inequity. Without addressing the barriers that are faced due to loopholes within current legislation many young people will continue to be denied access to support to meet basic need such as shelter or sustenance.

As I mentioned at the beginning of this submission, we should celebrate that Scotland's Parliament and Government have committed to Keep the Promise by 2030.

In June 2024, [the Promise Scotland launched Plan 24-30](#) to support Scotland on its journey of keeping the promise to children, families, and those with experience of care. The plan acknowledges that it is ambitious for Scotland to strive and deliver upon the vision set out by the Independent Care Review by 2030.

The scale and challenge of delivering the necessary change will take time. This is accepted. What is not accepted is that children and young people should continue to absorb and endure the consequences of the imperfect system, that they have been brought into, and that has been built over generations by the state and partner agencies.

Scotland should not waiver from its endeavour to get it right for those born to inadequate or unwilling parents. Scotland must ensure, whilst it is on this journey, that it does all it can to provide social justice for those children and young people it has assessed as not being able to be cared for in their own family. This is why the asks of this petition were relevant when it was lodged, continue to be relevant today, will remain relevant up to (and possibly beyond) 2030.