

Citizen Participation and Public Petitions Committee

6th Meeting, 2023 (Session 6), Wednesday
19 April 2023

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

Lodged on 6 September 2022

Petitioner Jasmin-Kasaya Piling 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>

Introduction

1. The Committee last considered this petition at its meeting on [7 December 2022](#). At that meeting, the Committee agreed to write to CELCIS (Centre for Excellence for Children’s Care and Protection) and Staf (Scottish Throughcare and Aftercare Forum). The Committee also agreed to invite the petitioner, representatives from Who Cares? Scotland, CELCIS, Staf, the Promise, the Children and Young People’s Commissioner, and individuals with lived experience, to a roundtable discussion.
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 will hear evidence from people with lived experience during an informal, online discussion on 18 April 2023. A note of this meeting will be published on the petition's webpage.
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's initial position on this petition can be found on the [petition's webpage](#).

Action

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

Clerk to the Committee

Annexe A

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

06 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.

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 7 December 2022

The Convener: The next petition is PE1958, which was lodged by Jasmin-Kasaya Pilling on behalf of Who Cares? Scotland. The petitioner is with us in the public gallery, although she is not contributing to our consideration orally. The petition calls on the 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, including by ensuring that the United Nations Convention on the Rights of the Child and the findings of the report "The Promise" are fully implemented in Scotland.

Jasmin-Kasaya tells us that some care-experienced people in Scotland find it difficult to access services due to the application of arbitrary criteria relating to their age and when they left care. She says that care-experienced people who leave care before their 16th birthday are not included in the legal definition of "care leaver" and, therefore, are not eligible for continuing care and aftercare. That means that they are left to navigate difficult issues without the support that many of their care-experienced peers are entitled to.

She asks the committee to consider how continuing care, the Promise and/or human rights legislation can strengthen protection in line with the inclusive definition set out by The Promise Scotland and the First Minister's personal commitment to care-experienced people. She suggests that the situation could be fixed by improving existing legislation to ensure that all care-experienced people have access to support.

Responding to the petition, the Scottish Government says that it is fully committed to improving the lives of our care-experienced young people and highlights the point that continuing care and aftercare are available to young people who are care leavers. The Scottish Government's response mentions a range of support that is available to young people with care experience, as well as plans to introduce a care experience grant to provide young people with additional financial support. The Government also highlights the publication of the Promise implementation plan, which sets out the work that it is undertaking to keep the Promise that was made to Scotland's children and young people who are care experienced.

I draw members' attention to the further written submission that we have received from Jasmin-Kasaya, in which she highlights the point that the Scottish Government

has addressed neither her concerns about young people who leave care before their 16th birthday nor the ask to extend support throughout a care-experienced person's life. She tells us that she is aware of many care-experienced peers who have been left to struggle without support due to not being formally looked after at the age of 16, as well as others who have had to push to be kept on compulsory supervision orders when the local authority tried to remove them before their 16th birthday.

The issue is a very complicated and serious one that obviously has an impact. Colleagues have had the opportunity to consider the papers, including the latest submissions that we have received. Do you have any comments or suggestions on how we might proceed?

David Torrance: I would like to invite the petitioner and representatives of Who Cares? Scotland, CELCIS, the Scottish Throughcare and Aftercare Forum, the Promise, and the Children and Young People's Commissioner Scotland to a round-table discussion to explore issues that the petition raises. If the committee agrees to that, could we also invite some people with life experiences of the situations that are raised in the petition?

The Convener: In advance of that, we could write to various organisations to seek their views in order to help to inform the discussion that will take place. We can write to CELCIS and the Scottish Throughcare and Aftercare Forum to get their contributions. Do members want to wait until we have had that conversation before we write to the Scottish Government?

Fergus Ewing: I think that we should have the round-table discussion first and then write to the Scottish Government, in order to get a flavour of what people think.

I would like to add a small suggestion to what Mr Torrance suggested, which I agree with. In seeking to invite individuals with lived experience to participate in the discussion, perhaps we could ask the petitioners, who have said that they are aware of other examples, whether they would be happy to suggest to us people with lived experience, as they have knowledge of the issues. It would be good to see whether they could point us in the right direction.

The Convener: I am happy to agree to that.

I thank the petitioner for bringing the petition to the committee. We take the petition very seriously, and we will write to various organisations ahead of sponsoring a round-table discussion in the Parliament in which we can explore the issues in detail. We can then write to the Scottish Government with a summary of our thinking and any conclusions that we have reached. Do members agree to that approach?

Members *indicated agreement.*