

Scottish Government submission of 6 October 2022

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

Thank you for your email of 9 August 2022 on behalf of the Citizen Participation and Public Petitions Committee seeking the Scottish Government's views on the following petition, lodged by Jasmin-Kasaya Pilling:

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.*

As the Committee will be aware, the Scottish Government is committed to 'Keeping the Promise' as a matter of priority and ensuring that all young people are provided with person-centred support to enable positive transitions from care to more independent living.

Continuing care and aftercare policies are both key components of the measures introduced or expanded in the Children and Young People (Scotland) Act 2014 (the 2014 Act) to improve outcomes for young people leaving care. Continuing care and aftercare are both available to young people who are care leavers; which is legally defined as a young person who has been looked after on or after their sixteenth birthday but have now ceased to be looked after.

These policies enable and encourage care leavers to have a supported transition from care by staying in their care setting up to the age of 21, and receiving bespoke support from their local authority up to the age of 26 based on an assessment of individual need.

These policies are supplemented with a broader package of support available for young people with care experience such as; the Care Experience Student Bursary, support into education, training and employment through the Young Person's Guarantee, and exemption from Council Tax. We have also committed to investing £10 million per year towards introducing a Care Experience Grant to provide young people with care experience additional financial support.

In March of this year, we published the Scottish Government's Promise Implementation Plan which sets out how we are working across Government to Keep the Promise we have made to Scotland's children and young people who are care experienced.

This Plan sets out a number of key commitments that we are taking forward to Keep The Promise and help provide children and families with the strong foundations they need to thrive. This includes our commitment to work with partners to develop a universal and inclusive definition of care experience to include anyone who has been, or is currently, looked after at any stage in their life, no matter how short.

The Scottish Government is committed to the incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Scot's law, to the maximum extent possible. The UNCRC (Incorporation) (Scotland) Bill intends to deliver a proactive culture of everyday accountability for children's rights across public services in Scotland. It would require all Scotland's public authorities to take proactive steps to ensure the protection of children's rights in their decision-making and service delivery and make it unlawful for public authorities, including the Scottish Government, to act incompatibly with the UNCRC requirements as set out in the Bill. Children, young people and their representatives would have a new ability to use the courts to enforce their rights. In October 2021, the UK Supreme Court found certain provisions in the Bill to be outwith the legislative competence of the Scottish Parliament. We are currently working at pace to address this and it is our intention that a revised Bill will be submitted to Parliament.

We remain fully committed to improving the lives of our care experienced young people and ensuring that Scotland is the best place for children and young people to grow up. As we move forward with the Promise Implementation Plan, we will continue to work with young people with lived experience, and the broader sector, to explore how we can ensure that people with experience of care are able to obtain the person-centred support they may require throughout their life.

I trust that the information above is helpful to the Committee.

