

Respondent Information Form

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

About includem

Includem are a Scottish charity that work with children, young people and families to help them transform their lives. We support children, young people and families to make positive life choices and progress towards the type of future they want to live.

To do this, we work with social services, schools and criminal justice services to identify which children, young people and families could benefit from our support. We then engage the child or young person and their family or carer to develop a package of support, tailored to their specific needs.

Our support is truly unique to each individual. There is no 'one size fits all' when it comes to helping children, young people and families to achieve positive outcomes. We work with children and young people aged 0 – 26 across Scotland.

We are well placed to respond to this consultation on behalf of the young people we work with, many of whom have 'care experience'. Their views have shaped this consultation response through conversations with colleagues in the organisation.

Questionnaire

Question 1

Do you agree or disagree that there is a need for a universal definition to describe 'care experience'?

- Agree strongly
- Agree
- Neither agree nor disagree
- Disagree
- Disagree strongly

Please give reasons for your answer.

Purpose:

In our opinion, it is imperative to be clear about the purpose of creating a universal definition of care experience, and clarifying if this definition will lead to legislative change. On the one hand, the purpose of a universal definition is about identity and community and ensuring that children, young people and adults across Scotland who have had experiences of care can identify with the community, if they so wish. To this end we support the creation of a universal definition of 'care experience' as long as it is flexible and able to change over time as our knowledge and understanding of the different experiences of care grow.

If the purpose of a universal definition is to create coherence across different pieces of legislation, and provide access to rights and entitlements we strongly support this. We do wish to note, however, that rights and entitlements linked to 'care experience' should never be used to withdraw or limit rights and entitlements conferred through other legislation for example additional support for learning. A universal definition of care experience must maximise access to support and must encompass the wide-ranging and sometimes complex experiences of care to ensure Scotland can keep the Promise.

Rights and entitlements:

A universal definition of care experience must ensure supports and entitlements are easily accessible for those who qualify and the burden of accessing these must not rest with children, young people and adults who are care experience.

Developing a definition:

Sufficient time must be taken to develop this definition and must be led by the 'care experienced' community and their chosen partners, recognising that that care experience intersects with other identities. As experiences of care are complex and diverse, the success of this approach depends on our approach to developing, and reviewing, such a definition.

Question 2

What are your views on the potential advantages of developing a universal definition of 'care experience'?

Please explain your answer below.

Clarity and consistency:

It is our view that, as outlined in the consultation document, a universal definition of 'care experience' has the potential to bring clarity and consistency across services, policy and data collection. A universal definition should also improve access to support for those who are entitled to it, without having to navigate a complex system of legislation and policy to determine whether their experience matches the criteria.

Protecting rights:

Creating a universal definition aligns with children's rights expressed in the United Nations Convention on the Rights of the Child (UNCRC) particularly article 20 related to special protections for children who are permanently or temporarily deprived of their family environment.

We envision that a universal definition will make it easier to align policy and practice at a national level and create greater transparency and accountability for those seeking to access services and supports. A universal definition has the potential to reduce stigma if the definition is positive, inclusive, and developed alongside people with lived experience. Currently, there are still many misconceptions about children and young people who are care experienced and our hope is that a universal definition, alongside the required information-raising campaign and training, will tackle and challenge some of those misconceptions.

Question 3

What are your views on the potential disadvantages of developing a universal definition of 'care experience'?

Please explain your answer below.

Risk of oversimplification & exclusion:

We believe that there is a risk of oversimplifying often complex and diverse experiences by creating a universal definition of care experience. For this reason, time must be taken to develop a definition alongside people with lived experience, and their chosen partners and must be flexible to reflect the changing experiences of people who have care experience. There is a risk that a universal definition may lead to exclusions if it is too narrow in scope and focus.

We also wish to highlight that creating a universal definition should not take away from the very real and human experiences of children, young people and adults across Scotland, and become merely a bureaucratic tick-box, but rather a means of ensuring everyone person who is entitled to additional supports and services easily access them.

Further, we must guard against a universal definition of care experience eclipsing other parts of a person's identity when engaging with services and society.

Resource Implications:

There is also a risk that greater resource implications of creating a universal definition can inadvertently affect implementation, creating further barriers for the care experienced community. Creating a universal definition must be accompanied by training and awareness-raising to ensure consistent understanding across Scotland. Systems and resources must also be prepared to support children, young people and adults who identify as care experienced following the creation of a universal definition.

Question 4

Do you have any views on the definition of 'Care Leaver' as set out in the consultation paper?

Please explain your answer below.

We wish to highlight the experiences of children and young people who cease to be 'looked after' before their 16th birthday. Anecdotally, some young people are encouraged to return to their family home before their 16th birthday, even where this may not be in their best interest, to save resources for the local authority. Children and young people may spend most of their childhood in care and not have access to the same supports as other young people leaving care, simply because they did so prior to their 16th birthday. For this reason, we feel that the definition of 'Care Leaver' must be reviewed.

In our view, greater attention must also be paid to children and young people cared for under a Section 25 arrangement and to ensure these children and young people understand their rights and entitlements.

Question 5

Do you have any views on the statutory definition of 'Looked After' as set out in the consultation paper?

Please explain your answer below.

We support the definition of 'Looked After' but consider that it should include children and young people under section 25 arrangements at home.

We welcome the changes made by Section 24 of the Children (Care and Justice) (Scotland) Act 2024 to the effect that children detained in secure accommodation under certain criminal justice provisions are treated as "looked after" children.

Question 6

What experience of care would you expect to be covered by any definition of "care experience"? Please choose all that apply.

- Looked After at Home
- Kinship Care (looked after children who have been placed with kinship carers by the local authority)
- Kinship Care (non-looked after children who live with a kinship carer, these children may be subject to an order under [Section 11 of the Children \(Scotland\) Act 1995](#) or may be living in a completely private arrangement with extended family, with no local authority involvement)
- Foster Care
- Residential Care
- Residential Special School
- Supported Accommodation
- Secure Care
- Adoption
- Other – please provide details

Please explain your answer below.

Question 7

As stated in our previous answers, any universal definition must take into account a range of experiences of care to ensure children and young people can access supports and services and are not limited by narrowly defined qualifying experiences.

For example, young people accessing short breaks should also be considered care experienced.

Do you have any other comments about a proposed universal definition of 'care experience'?

Please explain your answer below.

Children and young people should choose the language and words that are used to discuss their experiences. We support the shift in language from 'looked after' children and young people to 'care experienced' to centre the experiences of children and young people.

Question 8

Do you have any comments on the existing language of care?

Please explain your answer below.

In our view, a universal definition of 'care experience' must contribute to removing stigma and must be well understood by statutory and voluntary services, as well as society. Investment must be made in educating those working with children, young people and adults who have experiences of care to ensure a shared understanding, free from stigma.

Question 9

Do you have any suggestions on potential ways to change and improve the language of care?

Please explain your answer below.

Changing and improving the language of care should be considered the responsibility of everyone and we suggest taking a similar approach to this as is applied to Getting It Right For Every Child. To ensure change is well understood investment must be made in training and educating those working on the frontlines with children, young people and adults who are 'care experienced', led by people with lived experience. Greater transparency in recordings of experiences, access to data and open dialogue with the care experienced community all contribute to this and challenges brought by the community with lived experience should be welcomed.

Question 10

Are you aware of good practice to change and improve the language of care?

Please explain your answer below.

Extensive work has been done by children and young people with care experience and their supporters. We mainly wish to highlight that language and words are a personal choice and that flexibility and a person-centred approach should be at the forefront of any work to continue developing the language of care.

Our Hearings Our Voice: The Zine – calls to Action [Inside-Page.png \(1740×1222\)](#)

Our Hearings Our Voice: ‘Language in the Children’s Hearings System’ [Language in the Children’s Hearings System - Our Hearings, Our Voice](#)

City of Edinburgh Council: Reframing Our Language [Reframing Our Language.docx](#)

Scottish Borders Council: Reframing Our Language [Item No. 14 - Tackling the barriers for care experienced people in Scottish Borders.pdf](#)