

SIAA

Consultation on the Continuing Care (Scotland) Amendment Order 2018

November 2017

1. Do you agree with the intention, as was stated during development of the 2014 Act, to increase the higher age limit for persons eligible for continuing care from nineteen to twenty years of age from April 2018 to ensure that the current cohort of young people continue to be eligible as they increase in age until the duty to provide continuing care extends from 16 to 21 years of age?

SIAA agrees with the intention to increase the higher age limit for eligibility to continuing care from nineteen to twenty years of age from April 2018. We want to ensure that all eligible individuals have the right to remain in care until at least their 21st birthday.

2. Do you have any other comments on this consultation on the Continuing Care (Scotland) Amendment Order 2018?

It has been brought to our attention that advocacy workers supporting young people in care are experiencing a number of concerns in relation to the information provided, inflexible practice and poor implementation of policy.

We ask that these issues be addressed through the following suggestions:

- Greater clarity from professionals regarding the age that Continuing Care will end
- Appropriate continuing care placements to be planned, developed and implemented as there is huge concern around the use of supported accommodation and hostels as placements
- Further guidance to be developed and delivered to professionals in order to increase understanding around Continuing Care

In addition, we would like to highlight the importance of independent advocacy for care experienced young people. We consider independent advocacy as a human right. Independent advocacy helps people to access

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other human rights and fits with the PANEL principles (Participation, Accountability, Non-discrimination, Empowerment, Legality) because it:

- enables people to participate in systems and processes;
- holds decision makers to account;
- fights discrimination;
- empowers people;
- promotes equality; and
- ensures that decision makers work within the law

Independent advocacy is vital to ensure that the rights of those who cannot properly communicate their needs are upheld. Independent advocacy helps people to:

- access advice and services that they would otherwise be unable to engage with due to communication needs;
- be understood;
- be heard by professionals and services which make decisions that affect their lives;
- better understand and navigate systems;
- understand their rights, and what to do when those rights are not met;
- think through their choices;
- make informed decisions; and
- influence the design and delivery of systems and services

It is important to remember however that Advocacy is not:

- mediation;
- giving advice;
- making decisions for someone; or
- speaking up for someone when they are able to express themselves.

We believe that independent advocacy will help to ensure that people are treated with respect and dignity. People who have used advocacy often report that they are more likely to be listened to and treated with respect when their advocate is present. Not only do people benefit from the 'moral support' of an advocate but their advocate helps them prepare for stressful and complex meetings (such as welfare assessments), and

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to debrief after these have occurred.

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