

I HAVE

YOU HAVE

WE HAVE

RIGHTS TO CARE

A guide to Continuing Care and Aftercare

IF YOU ARE CARE EXPERIENCED, YOU HAVE THE RIGHT TO:

**Stay with your carers
until your 21st birthday, if
you're in residential, foster
or kinship care. This is
called Continuing Care.**

**Receive support until
your 26th birthday. This
is called Aftercare.**

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Children and Young People (Scotland) Act 2014

In 2014, the Scottish Government passed a **law** that made some **important changes** for care experienced young people. You may hear about your rights to **'Continuing Care'** and **'Aftercare'**. It's important that you know about these rights so that you **get all the help** you want and need.

Your council is a 'corporate parent' and should do all they can to **look after, encourage and support** you. They have a responsibility to promote your wellbeing and that includes keeping you safe and healthy and helping you access opportunities and support, such as housing and education. This care and support does not end when you leave care.

LEAVING CARE

It's important to **get help and advice** before you decide to leave care as once you leave, you can't change your mind and return. Looking at your options should start **well before you are 16** and you should be helped to plan for your future, in or out of care. You can use this booklet to **learn more about your rights** and to help you make decisions with the support of people that you trust. You should also speak to someone who can give you **independent advice**. Contact Who Cares? Scotland for information on independent advocacy and to find out what they could do to help you.

CONTINUING CARE

You have the right to Continuing Care if:

- You were born on or after 1st April 1999
- You were last looked after away from home, for example in kinship, foster or residential care

This means that you have the right to stay in your care placement up to your 21st birthday. This is to help you have a more supported move from care to living more independently at a pace that suits you. If you access Continuing Care you must officially stop being looked after, for example, you would need to end your supervision order.

There are some times when a placement will not be able to continue such as:

- If you were in secure care just before you stopped being looked after
- If the council believes that providing the placement would not be in your best interests

It may also not be able to happen if where you stay is no longer available or if your carer can't continue to provide the placement. However, if this happens your council must find you another placement which is similar and make sure that your relationship with your carer is maintained, if appropriate.

RIGHTS

You have the right to have a say in the decisions that affect you. You should be asked your opinion and have your views listened to. Your 'best interests' must take account of your views.

There is no right to return to care once you have left, so it is really important to think carefully about your plans to move on. When you leave care, you can't change your mind and go back.

AFTERCARE

Anyone who was looked after on or after their 16th birthday can access Aftercare services. Aftercare is for everyone, including if you have been looked after at home.

Aftercare means getting 'advice, guidance and assistance'.

You should expect this guidance and support from your council until your 19th birthday.

You have the right to request that the Aftercare support continues up to your 26th birthday if you need it. If you were receiving Aftercare support and it ended and you think that you need it again, you also have the right to request it up until your 26th birthday.

Your council may even continue to provide support when you are over 26 if they think you need it, although they do not legally have to.

RIGHTS

You have the right to be supported to live more independently and to build positive meaningful relationships.

You should always be housed appropriately. You should not be put in an unsuitable hostel or bed and breakfast accommodation. You should not have to become homeless to access accommodation.

You have the right to complain if you are unhappy with the support you receive or any decision made.

Human rights for children and young people can be called different things, such as children's rights or youth rights. No matter what they are called, the same rights protect you. All human rights apply to you but the rights that focus on children and young people are protected by an international law called the United Nations Convention on the Rights of the Child (or UNCRC for short). The Convention says that rights must be championed if they are going to matter – just talking about them isn't enough. The Scottish Government must do all it can to ensure that you get your UNCRC rights and local councils, the Police, Children's Hearings Scotland and lots of other corporate parents must report on what they are doing to ensure you get your rights too.

There are lots of people who can talk to you more about your rights. It is always important to make sure you have all the information you need before making any decisions.

**YOUR
HUMAN
RIGHTS**



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Young Persons'
Freephone: 0800 019 1179
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USEFUL CONTACTS

Breathing Space (mental wellbeing helpline) **0800 83 85 87**

Citizens Advice Bureau **0808 800 9060**

ENQUIRE (information on additional support for learning) **0345 123 2303**

LGBT Youth Scotland Helpline **0300 123 2523**

NSPCC National Child Protection Helpline **0808 800 5000**

Scottish Child Law Centre **0800 328 8970**

Shelter Scotland (housing advice helpline) **0808 800 4444**

The Care Inspectorate

(contact with concerns or complaints about care services) **0345 600 9527**

Women's Aid helpline

(domestic abuse and forced marriage) **0800 027 1234**



There's more information on your
rights to Continuing Care and Aftercare
at cypcs.org.uk/care