

**Response to the consultation on
‘Defining a universal definition of ‘care experience’’**

**January 2025**

**About Children in Scotland**

Giving all children in Scotland an equal chance to flourish is at the heart of everything we do. By bringing together a network of people working with and for children, alongside children and young people themselves, we offer a broad, balanced, and independent voice. We create solutions, provide support, and develop positive change across all areas affecting children in Scotland.

We do this by listening, gathering evidence, and applying and sharing our learning, while always working to uphold children’s rights. Our range of knowledge and expertise means we can provide trusted support on issues as diverse as the people we work with and the varied lives of children and families in Scotland.

Children in Scotland is pleased to respond to this consultation contributing to the development of a universal definition of ‘care experience’ in Scotland. This submission is informed by our recent ‘moving on’ from care into adulthood consultation response, submitted in October 2024. This response highlighted the need for all decisions made about care experienced children and young people to be directly informed by the United Nations Convention on the Rights of the Child, recognising the importance of the Convention and its standing in Scottish legislation.[[1]](#footnote-2)

Our response to this consultation provides comments on both the approach taken in the consultation and the consultation topic itself. We have chosen to offer general comments on the consultation rather than specific responses to the consultation questions. This is due in part to our limited capacity to respond to the current high number of public consultations – an issue we know is shared by our members and other colleagues across the third sector.

We understand that this consultation, alongside recent consultations on redesigning the children’s hearing system and ‘moving on’ from care into adulthood, will inform the development of a proposed Promise Bill as outlined in the Scottish Government’s Keeping the Promise Implementation Plan.[[2]](#footnote-3) We urge the Scottish Government to continue working closely with expert stakeholders and organisations representing those with lived experience of care as they develop this legislation and deliver the necessary next steps.

Our response is separated into the following sections relating to the consultation approach and our support for a ‘universal’ definition of care experience as a means to improve access to rights and entitlements for care experienced children and young people -

* Comments on the consultation approach
* Providing greater clarity across sectors
* Strengthening data
* Reducing stigma
* Concluding comments.

**Comments on the consultation approach**

We know that experiences of care in Scotland are hugely diverse and are unique to the individual child, young person or adult. We believe that a universal definition of care experience should be inclusive of all experiences of care outlined in the consultation questions, for the reasons detailed in this response.

We have heard from our members, including The Promise Scotland, that the consultation approach could have been strengthened by presenting a range of clear options to define care experience, rather than a list of experiences of care that should or should not be included in a new universal definition. This would allow respondents to comment on these options and consider the impact of each proposed definition.

In Scotland, we have a wealth of evidence from children, young people and adults with lived experience of care, and from the professionals supporting them. As we move at pace towards 2030, the deadline for Keeping the Promise, it is important that we step away from further rounds of consultation and focus on implementation and delivery based on what we have already heard from the care experienced community and other expert stakeholders.

**Providing greater clarity across sectors**

We recognise that without a universal and legal definition of care, there is an inconsistent approach to defining care experience across different sectors. This is evident through the examples cited by Universities Scotland and the Care Inspectorate in the Scottish Government’s consultation document.[[3]](#footnote-4) An inconsistent approach to defining care experience both complicates how children and young people identify with the term and presents an additional barrier to accessing rights and entitlements.

**Strengthening data**

We also recognise that a universal legal definition of care experience would support the Scottish Government to collect accurate data about care experienced children, young people and adults across sectors and different sections of society. Accurate data is essential to truly reflect the lived experiences of care experienced people and bring focus to emerging barriers they are facing and plan appropriate actions.

**Tackling stigma**

The Independent Care Review heard directly from children and young people with care experience that the language used to describe their lives can sometimes feel “stigmatising” and contribute to “feelings of low self-esteem”.[[4]](#footnote-5) We also know that many children and young people with experience of care do not self-identify with the term ‘care experienced’ and may therefore be missing out on their rights and entitlements.

We believe a truly inclusive, universal definition of care could help to de-stigmatise the term ‘care experience’ and contribute to an understanding of the term as one that encapsulates a diverse range of experiences that children and young people may live through growing up in Scotland. In turn, we hope this would support more children and young people to see their lives reflected in the term ‘care experience’, supporting them to access their rights and improve their wellbeing, whilst combatting societal stigma.

**Concluding comments**

The aim of all actions taken by the Scottish Government to deliver the Promise is rightly to ensure that all care experienced children and young people grow up loved, safe and respected. A significant aspect of this is to improve support and access to care experienced people’s unique rights and entitlements. While there is clear value in introducing a universal legal definition of care experience to help normalise the language of care and thus improving support, we know that amending legal definitions will only go so far.

People with lived experience and organisations who represent them will be best placed to explore how individuals will respond to a new definition, and how it can support the destigmatisation and normalisation of care. This ongoing engagement work will be essential to support more children and young people to identify with the term ‘care experienced’ and to ensure that their right to be heard and listened to (Article 12 of the UNCRC) is realised.

Work across sectors to Keep the Promise has rightfully brought the voices of care experienced children and young people into the centre of discussions about policy and legislation in the care system. The Scottish Government must continue to centre their voices as we progress towards 2030. This includes acting on what care experienced children and young people have already told us and continuing to work in partnership with key stakeholders to deliver meaningful change at pace.

**For more information, please contact:**
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1. Children in Scotland, 2024, [Response to ‘moving on’ from care into adulthood consultation.](https://childreninscotland.org.uk/wp-content/uploads/2024/11/Children-in-Scotland-response-to-Moving-on-from-care-into-adulthood.pdf) [↑](#footnote-ref-2)
2. Scottish Government, 2022, [Keeping the Promise Implementation Plan](https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2022/03/keeping-promise-implementation-plan/documents/keeping-promise-children-young-people-families/keeping-promise-children-young-people-families/govscot%3Adocument/keeping-promise-children-young-people-families.pdf). [↑](#footnote-ref-3)
3. Scottish Government, (2024), [Developing a universal definition of ‘care experience’: consultation, Page 3.](https://www.gov.scot/publications/consultation-developing-universal-definition-care-experience/) [↑](#footnote-ref-4)
4. Independent Care Review, (2020), [The Promise.](https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf) [↑](#footnote-ref-5)