



**WHO  
CARES?**  
SCOTLAND

**EQUALITY | RESPECT | LOVE**



# Access to Justice

**Who Cares? Scotland**

Laura Pasternak – Policy and Participation Manager

Lucy Hughes – Policy Officer

# Who Cares? Scotland

- National membership organisation
- Care Experienced people's rights, participation and belonging
- Lifetime of equality, respect and love
- Independent advocacy provider across Scotland
- Influence change, driven by members

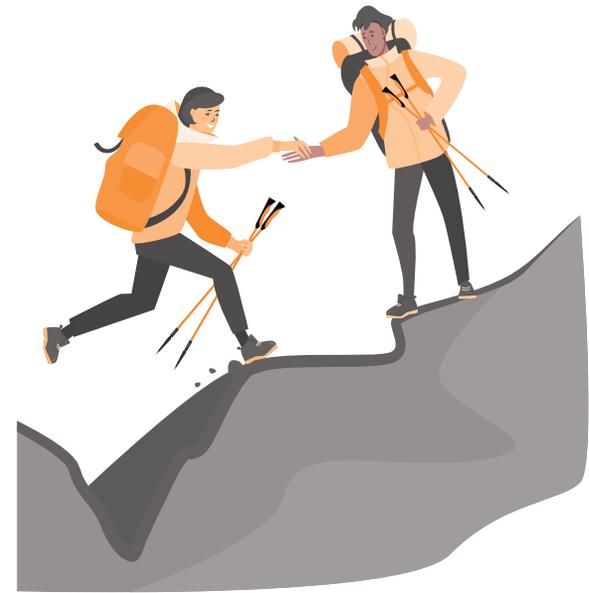


# Navigating the World of Rights

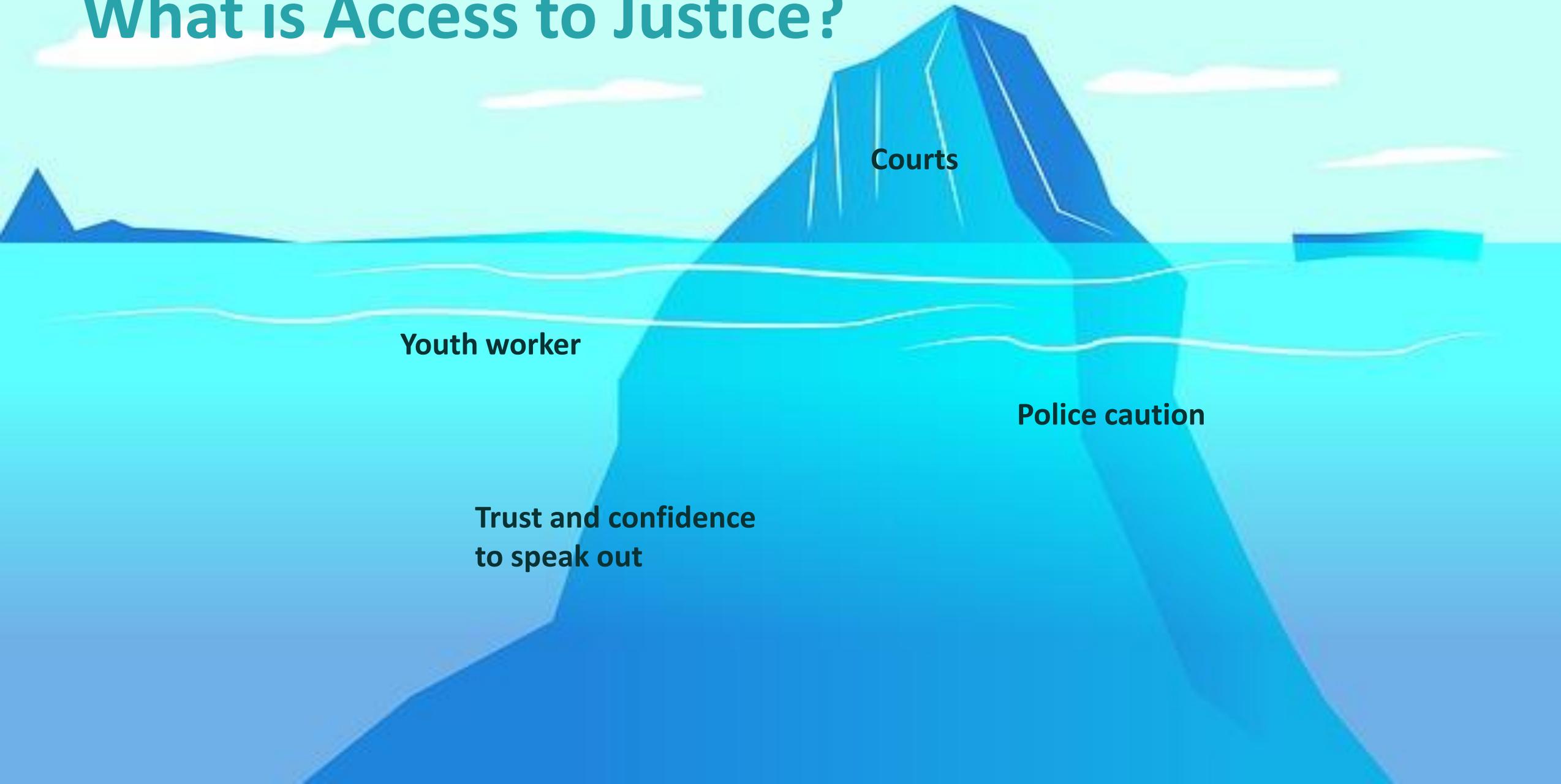
*“I made a couple of complaints about my experience of through care, but it was detrimental that I did. I had some issues brought it up, but I got punished for it. They started not returning my calls or would know I needed to get a document in on a certain date and would intentionally wait until it was too late to tell me.”*

*“I was 8 and used to go to children’s panels and I didn’t understand my rights. It was all adults talking, using words I didn’t understand.”*

*‘When young people have an advocate there is opportunities for them to be listened to and their rights to be upheld.’*



# What is Access to Justice?



**Courts**

**Youth worker**

**Police caution**

**Trust and confidence  
to speak out**

*Margot is 16 years old and living in a foster care placement, but she is unhappy there and wants to move.*

*She has access to an independent advocacy worker, who helps her to communicate these views to her social worker.*

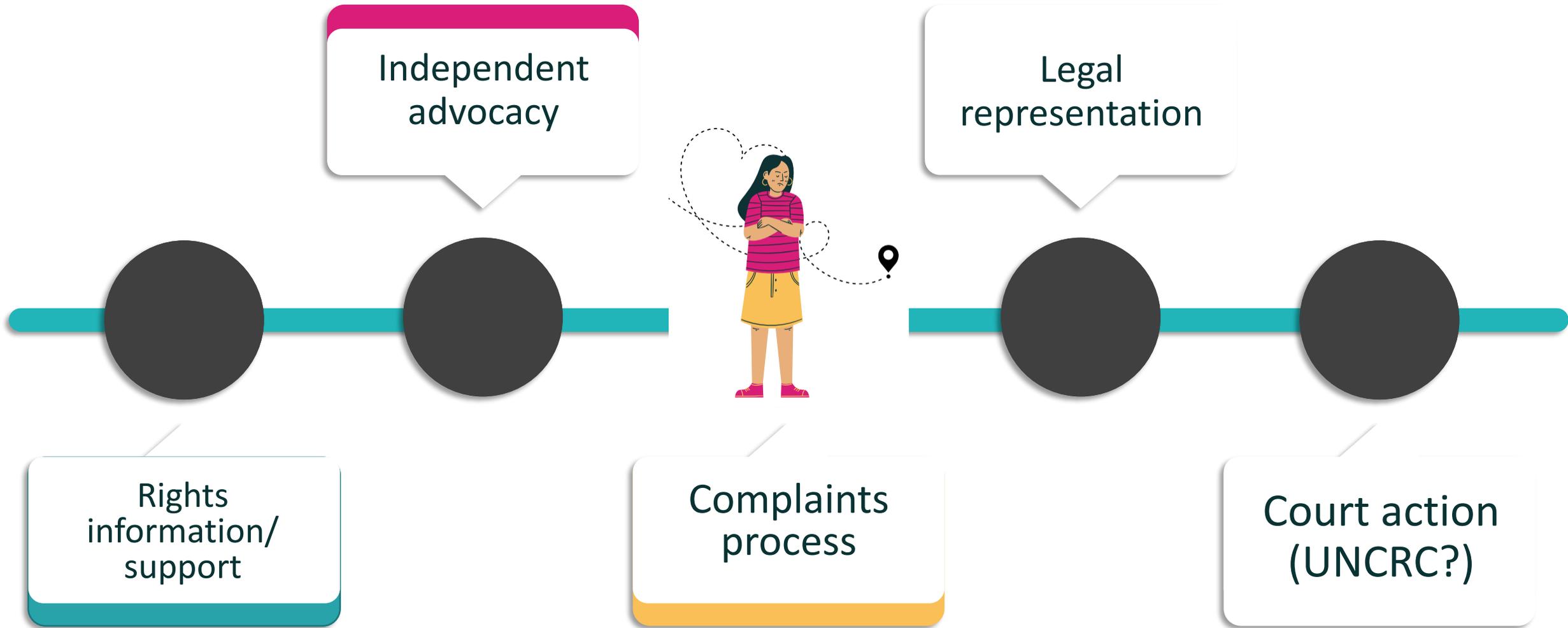
*There is delay in a decision being made by management in the local authority, with Margot being uncertain of her future.*

*She moves between a few different short-term placements, far away from her school, whilst a long-term place to live is still being found.*

*It has now been 2 months since Margot first raised that she was unhappy in her foster placement and no decision has been reached about where she will live long-term.*

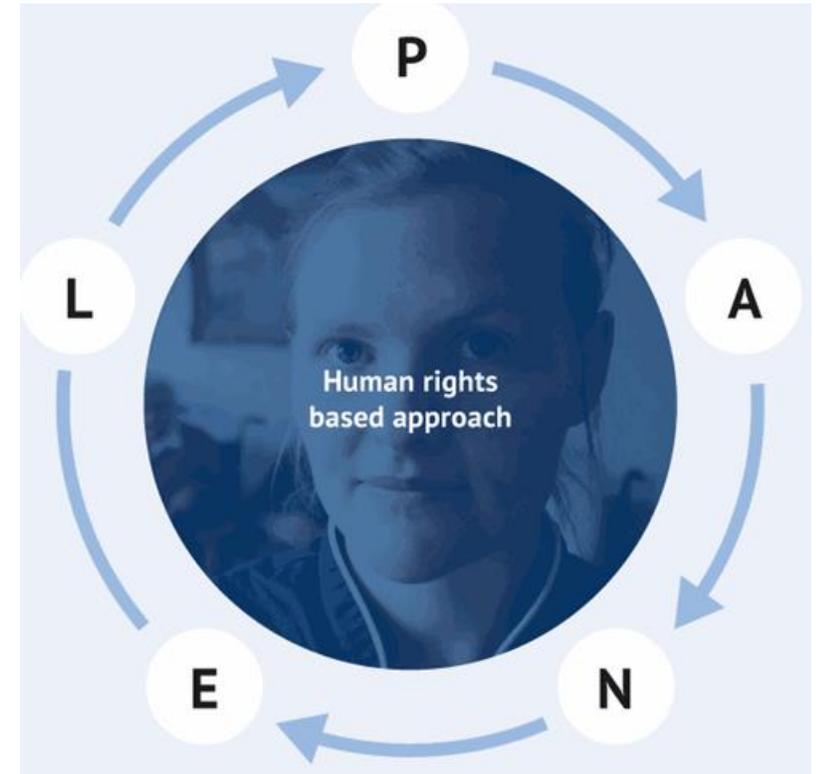


# Spectrum of Access to Justice



# Independent Advocacy

- Helps people claim and understand their rights
- Supported not substituted decision-making
- Individual and collective
- Human rights based approach



# PANEL Principles

**Participation**

**Accountability**

**Non-Discrimination & Equality**

**Empowerment**

**Legality**



# Independent Advocacy at WC?S

- Professional, most local authority areas
- Helps care experienced children and young people feel respected, included, listened to and understood, and understand their rights
- Relationships-based, equal partnership
- Helps to keep The Promise



# Independent Advocacy at Who Cares? Scotland

- *'Advocacy gives the young person a chance to tell someone what they want or like, outwith the line of professionals. It helps children and young to put their views across with what they think is best for them as a lot of children don't as they don't think they would be listened to or they don't know how to say it'*
- *'I honestly would recommend it to anyone who lacks confidence to say their views in a children's hearing or LAC review. Because of my advocacy worker, I gained confidence to express my views, either written down or speaking'*



# A right to independent advocacy?

- Patchwork of protection
- Postcode lottery
- Universal, lifelong support
- Specialist provision
- Develops communities
- Evidence base



# What do you think?

- What we traditionally think of access to justice might just be the tip of the iceberg
- Access to justice will look different for every child or young person
- Having the option to access independent advocacy is fundamental to upholding children and young people's rights
- What else makes a complaints mechanisms more child friendly?





**WHO  
CARES?  
SCOTLAND**

**EQUALITY | RESPECT | LOVE**



**Thank you for listening and  
taking part.**

**Who Cares? Scotland**

**Laura Pasternak – Policy and Participation Manager**

**Lucy Hughes – Policy Officer**