



**WHO
CARES?**
SCOTLAND

EQUALITY | RESPECT | LOVE



Equality and human rights mainstreaming strategy

Response to the Scottish Government's public consultation

February 2025

Who we are

[Who Cares? Scotland](#) is Scotland's only national independent membership organisation for Care Experienced people. Our mission is to secure a lifetime of equality, respect, and love for Care Experienced people in Scotland and we currently have around 4300 members.

At the heart of our work are the rights of Care Experienced people, and the power of their voices to bring about positive change. We provide individual relationship-based independent advocacy and a range of participation and connection opportunities for Care Experienced people across Scotland.

We work alongside Corporate Parents and various communities to broaden understanding and challenge the stigma faced by Care Experienced people. We work with policy makers, leaders, and elected representatives locally and nationally to shape legislation, policy and practice. We do this collaboratively to build on the aspirations of [The Promise](#) and secure positive change.

Summary

This response provides comment on Scotland's Equality and Human rights Mainstreaming Strategy (the Strategy). We welcome the Scottish Government's ambition to make Scotland a leader in equality and human rights increasing fairness, tackling inequality and removing societal and cultural disadvantages.

Where mainstreaming ensures equality and human rights are fully considered throughout the work of the public sector and policymaking, we advocate an intersectional approach not limited by the Equality Act 2010 protected characteristics.

“Mainstreaming should mean taking the Promise (and Care Experienced people) into account when making policies about mainstreaming.”

We have answered only the questions most relevant to our members, evidence and expertise.

Who Cares? Scotland is calling for:

The Strategy to include:

- An intersectional approach to equality not limited by the Equality Act 2010 protected characteristics, including Care Experienced people.
- A focus on Corporate Parenting training to leadership which Who Cares? Scotland can provide, as part of the accompanying action plan and toolkit.
- Policy coherence between equality and human rights policy and The Promise, and encourage the use of advocacy evidence in the consideration of lived experience evidence.
- Reporting requirements should help keep the Promise by enhancing the accountability of public bodies in Scotland to bring about better equality outcomes for Care Experienced people of all ages.

Response to the consultation questions

Part 1: Proposals on the strategy content

1. Do you agree with the vision?

Yes

1a. Please explain your answer or provide more information

In particular, we agree with the intent to focus on those in Scottish communities sharing the protected characteristics as defined in the Equality Act but also others experiencing systemic discrimination and poorer life outcomes, taking an intersectional approach.

We propose that 'Care Experience' should be treated as if it were a protected characteristic in equality and human rights impact assessments and other mainstreaming activity, in order to fully Keep the Promise.

Recognising Care Experienced people of all ages as an equality group is a useful starting point to address these inequalities and advance equality of opportunity for this population. In the consultation paper's context section, we are concerned that there is no mention of equality outcomes for this population.

Without recognition, no action can be planned to address inequality and existing inequalities will persist and get worse.

Mainstreaming should mean taking the Promise (and Care Experienced people) into account when making policies about mainstreaming.

We know from the Independent Care Review which was published five years ago, and our participation and advocacy evidence since, including our current [Lifelong Rights Campaign](#) where we have consulted around 350 Care Experienced people so far, that many Care Experienced people today are still experiencing significant barriers in realising their rights and achieving a lifetime of equality, respect and love.

For example:

- *“Evidence shows that Care Experienced people have vastly different life outcomes compared to non-Care Experienced people... Because of the lifelong impact of care experience and its impact on people's earnings, opportunities, and reliance on public services across their lives, protection of Care Experienced people's rights is needed beyond childhood.”*

(Scott, 'Incorporating International Human Rights: The protection of Care Experienced People's Rights in the Scottish Human Rights Bill' (2023), 8).

The Independent Root and Branch Review of Care found that Care Experienced people in Scotland are:

- Almost twice as likely to have poor health.
- More than twice as likely to have experienced homelessness.
- Over twice as likely to have no educational qualifications and less than half the chance of having a degree.
- Over one and a half times more likely to have financial difficulties.
- Over one and a half times more likely to experience severe multiple disadvantage (homelessness, substance use, mental health, offending).

([The Money report, The Promise \(2020\), 10.](#))

Our campaign issue papers in 2023 on [housing](#), [finance](#) and [belonging](#) reinforced these inequalities finding that:

- Care Experienced people were more than twice as likely to be living in relative poverty due to the cost of living crisis.
- The income gap between Care Experienced people and their peers had potentially widened since publication of the Promise.
- 57% of Care Experienced people we surveyed had experienced homelessness.
- Equal treatment to non-Care Experienced peers is key to preventing abuse and Keeping the Lifelong Promise.

According to Scott (3);

“Care Experienced people also face specific forms of discrimination and embedded inequality which require particular consideration and targeted intervention... To do so would be consistent with the Scottish Government’s wider efforts to keep its promise to Care Experienced people and make a real difference to the effective protection of their rights.”

We know this call is supported beyond the Care Experienced community. For example:

- 13/26 named Corporate Parents in Scotland, including 4/32 Local Authorities, are represented among public bodies currently voluntarily treating Care Experience as if it were a protected characteristic in terms of their equality processes.
- 78/196 Councils in the UK are currently treating CE as if it were a protected characteristic (see [here](#) for more info).
- A ‘significant minority’ of consultation respondents to the Human Rights Bill supported that the equality provision should include more population groups, such as care experienced people (see [here](#) for more info).

The Equality and Human Rights Commission comment on how this approach is lawful under the Equality Act 2010 ([Who Cares? Scotland and the Equality and Human Rights Commission, ‘Care Experience and Protected Characteristics’, 1 March 2018](#)).

2. Do you agree with the objectives?

Yes

3. Do you agree that strengthening leadership is a key driver for mainstreaming equality and human rights?

Yes

3a. Please explain your answer or provide more information.

Fulfilling statutory Corporate Parenting duties is essential in achieving equity for Care Experienced people. Within our Scottish Government funding we deliver training to leadership, senior management, board etc within Corporate Parenting organisations to support them to fulfil their Corporate Parenting duties by influencing change from the top-down (see [here](#) for more info).

4. Do you agree with the focus on different levels of leadership?

Yes

5. Have we captured the core elements of strengthening leadership within the context of mainstreaming?

No

5a. Please explain your answer or provide more information.

There could be more emphasis here on intersectionality not limited by the Equality Act 2010 protected characteristics as part of the awareness of the impact of decisions and priorities on marginalised/underrepresented groups, and consideration of a representative workforce (at all levels). This should include consideration of Care Experienced people as an equality group that shares other protected characteristics.

6. What actions would you recommend to ensure strengthening leadership as outlined above will contribute to mainstreaming?

See answers above – training on intersectionality not limited by the Equality Act 2010 protected characteristics, including Care Experienced people and Corporate Parenting duties. We also encourage representation of Care Experienced people at all levels of leadership.

7. Do you agree accountability and transparency are a key driver for mainstreaming equality and human rights?

Yes

10. Do you agree that ensuring an effective regulatory and policy environment is a key driver of mainstreaming equality and human rights?

Yes

11. Have we captured the core elements of ensuring an effective regulatory and policy environment within the context of mainstreaming?

Don't Know

11a. Please explain your answer or provide more information.

It is not clear whether the existing EQIA process and training is inclusive of Care Experience or not. Given the continuous improvement approach identified, we encourage that an intersectional approach (not limited by the Equality Act 2010 protected characteristics) to carrying out EQIA's is promoted, encouraging consideration of Care Experienced as if it were a protected characteristic (see our answer to Q1a).

At Who Cares? Scotland, we have developed an integrated equality and human rights impact assessment which does this for internal use.

12. What actions would you recommend to ensure that an effective regulatory and policy environment will contribute to the achievement of mainstreaming?

Developing an integrated equality and human rights impact assessment which takes an intersectional approach not limited by the Equality Act 2010 protected characteristics, including Care Experienced people. We are happy to provide further training on this in the context of Care Experience people sharing other protected characteristics.

13. Do you agree that utilising evidence and experience is a key driver for mainstreaming equality and human rights?

Yes

13a. Please explain your answer or provide more information.

14. Have we captured the core elements of utilising evidence and experience within the context of mainstreaming?

No

14a. Please explain your answer or provide more information.

A stronger and more complete equality evidence base won't just support the collective effort across the public sector to fulfil the requirements of the PSED, it will also help to keep the Promise and uphold the UNCRC if evidence gaps around Care Experience are addressed.

A further tool the Scottish Government should use to gather evidence is advocacy evidence from advocacy providers. For example, we record the key advocacy issues raised in our provision and code these against rights, the protected characteristics and Care Experience, to paint a picture of the inequalities Care Experienced people experience as well as the impact advocacy can have in preventing rights abuses, upholding the right to participation and advancing equality of opportunity.

15. What actions would you recommend to ensure that utilising evidence and experience as outlined above will contribute to the achievement of mainstreaming?

Ensure policy coherence between equality and human rights policy and The Promise, and encourage the use of advocacy evidence in the consideration of lived experience evidence.

16. Do you agree that enhancing capability and culture is a key driver for mainstreaming equality and human rights?

- Yes

17. Have we captured the core elements of enhancing capability and culture within the context of mainstreaming?

- Yes

18. What actions would you recommend to ensure that enhancing capability and culture as outlined above will contribute to the achievement of mainstreaming?

See Corporate Parenting training suggestions outlined in previous answers.

19. Do you agree that this Strategy will provide a foundation to influence a culture of mainstreaming equality and human rights within Scottish Government and the wider public sector?

Yes

20. Do you agree that improving capacity is a key driver for mainstreaming equality and human rights?

Yes

21. Have we captured the core elements of improving capacity within the context of mainstreaming?

Yes

22. What actions would you recommend to ensure that improving capacity will contribute to the achievement of mainstreaming?

See Corporate Parenting training suggestions outlined in previous answers.

23. Do you think the proposed approach to a collated Action Plan will drive change?

Yes

23a. Please explain your answer or provide more information.

This should include the Scottish Government's Promise implementation plan, and ensure consideration of Care Experienced people of all ages as an equality group.

24. Do you think there is a need for a cross-public sector toolkit to support mainstreaming of Equality and Human Rights?

Yes

24a. Please explain your answer or provide more information.

From our experience, Corporate Parents are more likely to meet their duties when provided with easily accessible support and resources.

25. What practical steps would you include to make the toolkit an effective resource?

Links to our Corporate Parenting training as previously mentioned, and an intersectional approach not limited by the Equality Act 2010 protected characteristics, including Care Experienced people, to ensure they are considered when mainstreaming equality and human rights as if it were a Protected Characteristic. We will be developing further resources on Care Experience as a Protected Characteristic of Corporate Parents in due course which could be linked to in the toolkit.

26. What are your views on establishing additional reporting requirements?

Don't know

26a. Please explain your answer or provide more information.

The Care Experienced community has called for more accountability when it comes to Keeping the Promise. Existing Corporate Parenting reporting obligations do not cover Care Experienced adults above 26 years of age, however, many Corporate Parents voluntarily include Care Experienced people of all ages in their reports.

Reporting requirements should help keep the Promise by enhancing the accountability of public bodies in Scotland to bring about better equality outcomes for Care Experienced people of all ages.

This could be achieved through:

- Extending existing reporting requirements under the Children and Young People (Scotland) Act 2014.
- Including Care Experience as if it were a protected characteristic in the PSED Mainstreaming report (as this would help keep the Fairer Scotland Duty).
- Reporting requirements for the proposed Human Rights Bill if the equality provision were to explicitly include Care Experience.
- Any new reporting requirements under the proposed Promise Bill.

Should you wish to discuss the contents of this response, please contact:

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