

Keeping The Promise Implementation Plan

Equality Position Statement

May 2022



Scottish Government
Riaghaltas na h-Alba
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Scope of the Equality Position Statement

This Equality Position Statement summarises the available evidence regarding equality and inequality for care experienced children and young people in Scotland, which has been used to inform the decisions we have taken in the Scottish Government Promise Implementation Plan.

This document sets out available evidence across the wide range of policy areas related to the Promise, including evidence gathered as part of the Independent Care Review which heard from over 5,500 care experienced children and adults, families and the paid and unpaid workforce. We will continue to ensure that we work with all of our stakeholders and with the Promise Scotland to listen to the voices and experiences of our children, young people and families with experience of care and improve their lives.

This document, and the evidence included, sets a framework for conducting EQIAs to shape this policy, to ensure that equality and human rights considerations continue to inform our work to Keep The Promise by 2030. In developing all planned impact assessments we will seek to build on the evidence in this Position Statement, including through ongoing gathering of data, engagement with stakeholders and people with lived experience. As policies are developed for implementation and additional data is gathered, we are committed to ensuring that all impact assessments are kept under review. This will ensure that the potential impacts of policies and actions on people with protected characteristics – both positive and negative – can be fully explored and appropriate mitigating activity taken.

The COVID-19 pandemic has highlighted the importance of equality related data as a means of understanding disproportionate impacts on different groups in society and to inform the Scottish Government's response to those impacts. To address some of the known gaps in equality evidence, in April 2021 we launched the first phase of our Equality Data Improvement Programme (EDIP). The EDIP will be undertaken over 18 months, and it is anticipated it will lead to the publication of a revised equality evidence strategy and a second phase of the programme in late 2022. This work will help us identify gaps in equality evidence and improve our equality evidence base.

Whilst evidence has been gathered focusing primarily on groups with protected characteristics, it is vital to consider our approach through an intersectional lens. People across Scotland will often have a combination of multiple protected characteristics, different socio-economic backgrounds and household incomes, and experience inequalities in relation to health, education and other aspects of their lives. Addressing inequalities must also recognise the regional and rural dimensions, including the high incidences of child poverty in certain regions. It is therefore key to remember both the intersectionality of protected characteristics and the wide range of circumstances that influence the opportunities and barriers people face, including their lived experience of poverty, inequality and discrimination. An intersectional, person-centred approach to reading, reviewing and using the evidence from this Position Statement is therefore essential.

Background

Just over two years ago the Independent Care Review published The Promise and in February 2020 the Scottish Government signed up to the actions set out within it.

Keeping The Promise requires us to join up across our Government policies and actions and to work with our partners to bring transformational change. Change that places love and relationships at the centre of the experiences and outcomes for every child. Having made this Promise to our children and young people, adults and families of Scotland, we intend to keep it.

In the two years since The Promise was published we have witnessed the unprecedented impact of the global COVID-19 pandemic. This has affected us all, and for many of our care experienced people, it has made already difficult situations more challenging. This is why we must move now to put our energy fully behind bringing the change required to improve lives.

The Promise Implementation Plan sets out how and what the Scottish Government will do to Keep The Promise. Whilst it does not track The Promise's structure directly it does identify key actions that we are and will undertake to help ensure a Good Childhood; to adopt a Whole Family approach and build capacity within the system to support this.

Who will be affected

Our vision for Scotland is that all of our children grow up loved, safe and respected so that they realise their full potential. To achieve this we must do all we can to ensure that all of our children grow up in an environment of happiness, love and understanding.

Making this vision a reality by 2030 will require action from the Scottish Government, public, private and third sector partners and the people and communities of Scotland. The actions and commitments in the Implementation Plan are intended to improve the lives of Scotland's children and young people and their families. The Plan will, therefore, affect people of all ages, sex and backgrounds. Taking a person centred approach means recognising that not everybody is the same, thinks the same or needs the same. Many of our care experienced children and young people have protected characteristics which may compound inequalities they experience through being care experienced. We must respect, reflect and embrace this in the services and support we provide.

What we will do

Equality and human rights considerations have been central to the development of the Implementation Plan to-date. For example:

- Later in 2022, we will consult on a draft strategy for consultation to better mainstream equality, inclusion and human rights across Government and the wider public sector. This will look at how we improve leadership and accountability in this space, build greater policy coherence, strengthen capability and skills, and improve how we centre evidence and lived experience in policy making. As part of this work, we are reviewing the operation of the

Public Sector Equality Duty in Scotland, which guides public bodies on their legal obligations under the Equality Act to promote equality, tackle discrimination and foster good relations between those with a protected characteristic and those without it. A consultation on this closes in April and we will undertake further engagement to inform updated regulations. Many of our care experienced young people have protected characteristics which will compound the inequalities they experience through being care experienced. So for both of these areas of work, we will actively encourage input from care experienced young people's organisations to ensure their needs are reflected.

- The Implementation Plan recognises that our approach to Keeping The Promise must account for particular groups and risk factors, such as socio-economic disadvantage. Our aim is to advance equality of opportunity between those who share a protected characteristic and those who don't. Our commitments reflect this. For example, we will invest £10 million per annum through our Care Experience Grant: a new £200 annual grant for 16-25 year olds with care experience. This Grant will provide some additional financial security for young people with experience of care and will help reduce some of the financial barriers that young people face in transitions to adulthood and more independent living. The Grant will support families with care experience by contributing to the maximising of incomes, a key driver of child poverty reduction.
- Working together with The Promise Scotland and through our Promise Design School, we will work with our children in the care community, to develop and present a child friendly version of the Implementation Plan for publication later in 2022.

As we move ahead and develop the details of policies, we will continue to ensure that equality and human rights considerations inform policy development. This will support and be informed by the work we are taking forward to develop a mainstreaming equality and human rights strategy.

As previously mentioned, we know that there are some areas where we lack evidence or data. We will develop a plan to gather the evidence needed to close the gap in our knowledge and understanding, working across the Government and with stakeholders.

At a local level we will work with our public, private and third sector partners to monitor the impact of our policies and interventions. Through the changes that are introduced including testing authorities for possible change, we will embed specific monitoring and evaluation indicators to track the improvements sought. This will be joined up with national monitoring to ensure that experiences of children and their families are reflected and their stories are told, rather than a focus on making their lives fit into existing frameworks. In order to monitor the experiences of children and their families, The Promise Collective will be convened by the end of June 2022 to establish a monitoring process which will examine qualitative and quantitative data to better understand the experiences and outcomes of children and their families.

Our work will continue to evolve as we deliver the commitments and actions identified, and the Implementation Plan may be refreshed in due course.

The Implementation Plan and the protected characteristics

The Scottish Government is mindful of its obligation under the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. Section 149 of the Equality Act 2010 places a general duty (Public Sector Equality Duty) on public authorities to have due regard to: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations between persons who share a protected characteristic and those who do not.

We must consider how the decisions we make will meet the three needs of the general equality duty. Where any negative impacts are identified, we will seek to address and mitigate these. We are also mindful that the equality duty is not just about negating or mitigating negative impacts, as we also have a positive duty to promote equality. We will ensure future policy development does this by upholding the Fairer Scotland Duty and conducting Equality Impact Assessments.

To address those needs and requirements and fulfil our legal duties, we set out the equality evidence which has informed the development of the Implementation Plan across the range of protected characteristics as specified in the Equality Act 2010. This evidence gathering exercise brings together what we know about how protected characteristics may compound inequalities children and young people with care experience may face and identifies any gaps in our knowledge, informing our future policy development and research work. It sets a framework for the development of full Equality Impact Assessments conducted as specific policies are developed and implemented.

It is recognised that there are data gaps that exist for children and young people with care experience, including in relation to the protected characteristics. The Implementation Plan sets out the actions and commitments we are taking to improve data mapping, collection and evaluation.

- Age

As at 31 July 2021, 14,856 children in Scotland were Looked After or on the Child Protection Register – 1.5% of Scotland’s under 18 population¹.

Over the last 10 years, children are entering care at an earlier age. In 2009, 34% of children starting episodes of care were under five years of age. By 2021 this has risen to 38% (same as 2020). However during 2020-21, there was a slight decrease in numbers of under 5 year olds starting to be looked after (1,346 in 2020 to 1,041 in 2021).²

Of the 13,255 looked after children at 31 July 2021, the majority are looked after in the community (90%). 1,286 looked after children were in residential accommodation. The majority of children in residential accommodation were aged 12-17 years old (84%).

¹ [Supporting documents - Children’s Social Work Statistics, Scotland 2020-21 - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-childrens-social-work-statistics-scotland-2020-21)

² [childrens-social-work-statistics-2020-21 \(1\).pdf](#)

A higher proportion of older children are placed in residential accommodation (26% of children aged 16-17 compared to 15% aged 12-15 and 3% aged 5-11)³.

The majority (66%) of adoptions are of children aged under 5, and almost all others of children aged 5-11 (33%)⁴.

- Disability

Around a third of all families in Scotland include at least one disabled member.⁵

The Scottish Health Survey 2017 showed that 17% of children have a long-term condition, with 10% having a limiting long-term condition.

As at 31 July 2021, an estimated 10% of Scotland's 13,255 looked after children were recorded as having a disability⁶. It should, however, be noted that disability information is not known or not recorded for around a quarter of looked after children.

There is evidence⁷ that disabled children are more likely to be looked after, remain in care for longer and have a higher risk of being placed inappropriately in comparison to non-disabled children.

- Gender reassignment

The latest available evidence tells us that Trans people face a range of disadvantages and vulnerabilities in their everyday life.⁸

Trans people often lack support from their families too, with more than a quarter subjected to domestic violence, and one in four having experienced homelessness at some point.⁹

Research¹⁰ carried out in Scotland showed 82% of transgender young people had experienced bullying in school on the grounds of being LGB or T and 68% stated this has negatively affected their educational attainment. 27% of trans young people left education as a result of homophobia, biphobia or transphobia in the learning environment. This can negatively impact their future career plans and skills.

³ [Supporting documents - Children's Social Work Statistics, Scotland 2020-21 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/childrens-social-work-statistics-scotland-2020-21/pages/10-16-older-children.aspx)

⁴ [Supporting documents - Children's Social Work Statistics, Scotland 2020-21 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/childrens-social-work-statistics-scotland-2020-21/pages/10-16-older-children.aspx)

⁵ <https://www.gov.scot/publications/additional-child-poverty-analysis-2021/>

⁶ [Supporting documents - Children's Social Work Statistics, Scotland 2020-21 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/childrens-social-work-statistics-scotland-2020-21/pages/10-16-older-children.aspx)

⁷ [ICR Evidence Framework v2-1.pdf \(carereview.scot\)](https://www.carereview.scot/ICR-Evidence-Framework-v2-1.pdf)

⁸ [Stonewall | LGBT in Britain - Trans Report \(2017\) \(stonewallscotland.org.uk\)](https://www.stonewallscotland.org.uk/lgbt-in-britain-trans-report-2017/)

⁹ [Stonewall | LGBT in Britain - Trans Report \(2017\) \(stonewallscotland.org.uk\)](https://www.stonewallscotland.org.uk/lgbt-in-britain-trans-report-2017/)

¹⁰ Dr.Lough Dennell, B.L, Anderson, G. and McDonnell, D. (2018) *Life in Scotland LGBT Young People*. LGBT Youth Scotland.

We know that LGBT young people are at higher risk of experiencing mental health problems than other young people¹¹. The study above found that 63% of transgender young people experienced suicidal thoughts or behaviours, 59% self-harmed and 84% of transgender young people who had experienced mental health problems had been bullied.

- Pregnancy and maternity

Pregnancy brings a period of sudden increased financial pressure and sustained money worries have been reported following a birth of a baby¹². Poverty is a key factor that can contribute to children being taken into care in Scotland¹³.

- Race

On 31 July 2021, of Scotland's 13,255 looked after children 84% were recorded as white. The percentage in all other ethnic groups was 4%, with 12% of looked after children recorded as ethnicity not known.

Across Scotland as whole, 97% of the population (all ages) were recorded as being of a 'white' ethnic background (including all white ethnic categories)¹⁴. When contrasted with the data for looked after children, this may suggest that children and young people from 'non-white' ethnic backgrounds are disproportionately represented in the 'care system'.

- Religion or belief

Relatively limited evidence is available for the Religion or Belief Protected Characteristic at the time of writing this Position Statement. We will seek to respond to any disadvantages particular religious or belief groups may face, ensuring that the policy landscape is equipped to consider and address these.

- Sex

On 31 July 2021, 54% (7,168) of looked after children were male and 46% (6,087) were female¹⁵.

- Sexual orientation

The available evidence clearly highlights that people with the Sexual Orientation Protected Characteristic face a range of inequalities across a number of areas and

¹¹ [Introduction - Supporting transgender young people in schools: guidance for Scottish schools - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/introduction-supporting-transgender-young-people-in-schools-guidance-for-scottish-schools-2020-21/pages/introduction-supporting-transgender-young-people-in-schools-guidance-for-scottish-schools-2020-21.pdf)

¹² Financial implications of pregnancy and maternity are explored within the Tackling Child Poverty Delivery Plan 2022-26 EQIA: [Chapter 2: Child Poverty and the Protected Characteristics - Tackling child poverty delivery plan 2022-2026 - annex 7: equality impact assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/tackling-child-poverty-delivery-plan-2022-2026-annex-7-equality-impact-assessment/pages/tackling-child-poverty-delivery-plan-2022-2026-annex-7-equality-impact-assessment.pdf)

¹³ [ICR Evidence Framework v2-1.pdf \(carereview.scot\)](https://www.carereview.scot/publications/icr-evidence-framework-v2-1-1/pages/icr-evidence-framework-v2-1-1.pdf)

¹⁴ [Scottish Surveys Core Questions 2019 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/scottish-surveys-core-questions-2019/pages/scottish-surveys-core-questions-2019.pdf)

¹⁵ [Children's Social Work Statistics, Scotland 2020-21 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/childrens-social-work-statistics-scotland-2020-21/pages/childrens-social-work-statistics-scotland-2020-21.pdf)

settings including, but not limited to, employment, healthcare, education, housing and homelessness. For care experienced young people, it is key that they are able to build relationships with those involved in their care and have someone they trust to come out when they are ready. In 2019, research with 42 care experienced young people found only 52% of people had come out in a care setting.¹⁶

- Marriage and civil partnership

Relatively limited evidence is available for the marriage and civil partnership protected characteristic at the time of writing this Position Statement. We will seek to respond to any disadvantages people with this protected characteristic may face, ensuring that the policy landscape is equipped to consider and address these.

Conclusion

A core aim of the Keeping The Promise Implementation Plan is to advance equality of opportunity. The evidence presented in this Position Statement has informed the development of the Implementation Plan and will continue to support policy development as we progress the actions and commitments set out in the Plan. Where there are gaps in the available evidence, we will take action to continue to improve our evidence base. The Position Statement and the ongoing gathering of relevant evidence will provide a framework that will support the development of specific Impact Assessments as required for related policies taken forward in future.

¹⁶ [Youth Commission: Care Experience | LGBT Youth Scotland | LGBT Youth Scotland](#)



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