

## **Focus group notes – care experienced young people**

**MSPs present:** Clare Adamson MSP, Alasdair Allan MSP, Jenny Gilruth MSP, Alison Harris MSP, Rona Mackay MSP

This note provides a summary of the issues raised during discussions with Who Cares? Scotland. The comments are not attributed to any particular individual.

### **How has disclosure affected you?**

One attendee said it had affected their whole life. They had been a straight A student at school but a change in family circumstances led to them being taken into foster care at 16. They ran away from foster care at 17 and became homeless. The incident which led to criminal charges happened just as they turned 17 as a result of coercion from the group they were living with. They got a flat through the council at age 18, but shortly afterwards had to face their charges in court, being remanded in prison because of perceived issues with how they had engaged with social work reporters.

Afterwards, this person felt ashamed to have a criminal record, and would only apply for jobs where there was no need for a disclosure certificate. Once employed, this person didn't go for promotions to avoid the risk of their past coming back through disclosure. Thankfully, the college they attended was understanding, but the continuing fear of disclosure had resulted in them not taking up the opportunity of a new life abroad and not seeking a visa to go to the USA for work.

One person was required to seek a PVG a year into volunteering and something was listed from their adolescence which the person had not realised would be disclosed. This led to a change in attitude from their co-workers, who were now distrustful due to the perceived lack of transparency.

### **What are the wider issues with disclosure of childhood offences?**

Other participants echoed the psychological impact of criminal actions/convictions arising in childhood, and how this can lead to some people limiting their choices (jobs/career) to try to avoid it. One person highlighted the many opportunities for young people abroad but those with convictions can't take those up to the fullest (visa requirements, etc) if they need to disclose the convictions.

There was a discussion about the extent to which young people are made aware of the consequences of charges laid against them in children's hearings, and that this information could later be disclosed. As individuals get older the contextual information considered during hearings is not automatically presented to prospective employers who will only see the information about offences, which makes it difficult for any offences to be set in the context of that person's vulnerability or circumstances at the time. Those present felt it was vital that there is an opportunity for the context of any convictions or charges to be communicated, as well as clarity on exactly what could be disclosed to avoid "over-disclosing" or "under-disclosing". Some felt that there needs to be a place where these stories could be told, but also asked why events under the age of 18 should be disclosed at all. They felt that there should be a route

for young people to have their offences examined again to see if they should remain on their record.

### **How does this particularly affect care-experienced young people?**

For care-experienced young people in particular, the group said that there was an additional impact, as assumptions could be made about their character/behaviour as a result. Children and young people in family homes may carry out the same acts in that setting and not have parents call the police, whereas corporate parents (e.g. children's homes) may feel the need to do so. For care-experienced people, the state is their parents; if they were with their natural parents, they would be less likely to engage in behaviour which resulted in criminal charges. The group felt that MSPs should think about how they would want the police and courts to respond to acts of their own children when considering the impact of the Bill.