WRITTEN EVIDENCE SUBMITTED BY ANONYMOUS

(CSC0050)

Summary

This submission provides evidence from my perspective as a 26-year-old care leaver. I was known to social services from age 2, entered care at 13 in 2012, and remained looked after until 18, with leaving care support until 25. My experience demonstrates systemic and repeated breaches of human rights before, during, and after care, particularly in relation to disability, health, education, accommodation, and access to justice. The key issues raised include failures to protect against abuse and neglect, denial of appropriate disability and educational support, homelessness as a care leaver, and barriers to justice. My recommendations call for incorporation of the UNCRC into domestic law, reforms to Section 20 placements, improved accountability for local authorities, stronger disability rights training for social workers, and guarantees of suitable accommodation for care-experienced young people.

1. Background

I am a 26-year-old care leaver. I was known to social services from age 2 and entered care in 2012 at age 13. I remained in care until 18 and my case stayed open to the Leaving Care team until I was 26 because my local authority allows their involvement to continue if a care leaver is in higher education. My experience demonstrates repeated breaches of my human rights before, during, and after care, particularly around disability, health, education, and access to justice.

2. Legal Framework

Article 3 – Freedom from Inhuman and Degrading Treatment

• I was left in a neglectful and abusive home environment for over a decade despite repeated professional concerns. This prolonged failure to protect was degrading treatment.
• While in care, I was placed in foster homes and semi-independent flats that did not meet my medical needs. Despite having diagnosed asthma and hypermobility spectrum disorder (age 15–16), I was repeatedly housed upstairs. In one training flat three flights up, the pain became so severe I was almost unable to walk. Foster carers were often not informed of my asthma, and my chronic pain was dismissed as “just bendy joints” despite my pain being bad enough that I was prescribed naproxen at 16.

Article 8 – Right to Private and Family Life (health and dignity)

• At age 14, while in the care of the local authority, a psychotherapist in the Looked After Children's Service identified me as autistic. The report stated I was "on the autism spectrum" but did not "require intervention." A psychotherapist is not qualified to make that decision. I should have been referred to neurodevelopmental services and the SEND team.
• Despite being in the care of the local authority for 12 years (2012–2024), no autism assessment or SEND referral was ever made. I was only formally diagnosed at 21. This denial of support undermined my education and development and breached my right to health and private life.
• My physical disabilities were also not supported with educational adjustments such as an EHCP, despite clear eligibility.

Article 14 – Non-Discrimination

• I was disadvantaged because I was autistic and disabled. My needs were minimised or ignored compared with peers.
• As a care leaver with autism, I was denied advocacy in the Stage 3 complaints process on the basis of being over 25, even though my case was still open post 25, an option my LA offers to care leavers in university. The council selectively applied the "Making the Best of Complaints" policy, citing it for timelines but refusing its advocacy provisions. This was discriminatory.

Article 6 – Right to a Fair Trial / Access to Justice

• The complaints process was inaccessible. Being denied advocacy despite my autism diagnosis made it impossible to participate fairly.
• In a meeting, I was told, "Why does it matter if you get all your evidence if you are planning to go to the Ombudsman anyway?" This shows a dismissive culture that undermines the right to fair process.

Article 2, Protocol 1 – Right to Education

• I was denied an EHCP not because I applied and was refused, but because no application was ever made on my behalf. Social services did not advocate for one, assuming I was "intelligent enough" and attributing my difficulties in education to behaviour rather than disability.
• My autism was seen as something not requiring intervention, despite constant reports of my poor social interactions, unsafe openness with strangers, and vulnerability to exploitation.
• This failure to secure educational support meant I could not access education on an equal basis with my peers.

3. Incorporation of the UNCRC

If the UN Convention on the Rights of the Child were incorporated into domestic law, my rights under Article 19 (protection from abuse/neglect) and Article 23 (rights of disabled children) would have been enforceable. Local authorities would not have been able to dismiss evidence of autism or deny SEND support for over a decade.

4. Legal Protections for Care-Experienced People

• Current case law (CN v Poole, 2019) allows local authorities to avoid negligence liability for failures that occur before a care order is granted. This is a profound miscarriage of justice.
• Even where a child is in care on a Section 20 agreement, the local authority exercises full control over placements and day-to-day life. It should therefore bear legal responsibility if harm occurs.
• If a child is abused in a foster home, it should not matter whether they are on Section 20 or a care order — the local authority should be accountable in negligence from the moment a child enters its care.
• Under public law, councils already have responsibilities from the point a child is accommodated. Negligence law should mirror this, to ensure children can seek compensation if they are harmed in placements overseen by the state.
• Section 20 voluntary placements urgently require reform. I was kept on Section 20 for 18 months. Barristers (Pump Court Chambers, 2015) have documented the systemic misuse of Section 20, with children left on it for too long. Section 20 creates a perverse incentive: it allows local authorities to exercise control without court oversight, while limiting their liability for negligence. This leaves children in a dangerous legal grey area.

5. Disabled Children's Social Care

• My autism, hypermobility, asthma, and chronic pain were ignored or downplayed by social workers.
• I was never referred to SEND or neurodevelopmental services despite clear signs of disability and a psychotherapist identifying autism.
• Social workers and managers admitted to me they had little knowledge of disability rights or adult social care. When adult social care became involved, I was told they were "lead professional" without consultation, and leaving care used this as a reason not to support me.

6. Accommodation

• I was left homeless in 2023–24, despite statutory duties to care leavers. This breached Article 3 (degrading treatment) and Article 8 (private life).
• Inappropriate placement choices also harmed me: being repeatedly placed in upstairs flats despite knee pain, and carers not being told of my asthma diagnosis.

7. Training and Understanding

• A previous leaving care worker (also a manager) admitted she had very little training in disability rights or adult social care, which severely limited the support I received.
• Social workers repeatedly labelled my autistic traits as "attention seeking" instead of recognising them as disability related. This shows inadequate training on both disability and human rights.

8. Complaints and Remedies

• The statutory complaints system is not effective. Stage 3 was inconsistent, and inaccessible.
• Advocacy is not provided to disabled care leavers over 25, even when cases remain open. This undermines equality and participation rights.
• The council's dismissive approach — including telling me that evidence "does not matter" if I intend to go to Ombudsman — shows the system is not designed to deliver justice.

9. Conclusion and Recommendations

My experience shows systemic breaches of:
• Article 3 (degrading treatment)
• Article 8 (private life and health)
• Article 14 (discrimination)
• Article 6 (access to justice)
• Article 2 Protocol 1 (education)

Recommendations:
1. Incorporate the UNCRC into domestic law.
2. Exempt care leavers from limitation rules in negligence and Human Rights Act claims.
3. Reform Section 20 placements to guarantee equal protections to care orders.
4. Ensure advocacy is available to all disabled care leavers, regardless of age.
5. Provide mandatory human rights and disability training for social workers.
6. Guarantee suitable accommodation for disabled children in care and care leavers.
7. Reform negligence law so that local authorities are accountable from the moment a child enters their care — including under Section 20 — not only once a care order is granted.

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