

Scottish Children's Rights Implementation Monitoring Group

Monday 2nd April 2012

Scottish Government, Victoria Quay, Edinburgh

2.00pm – 4.00pm

Attended:

Tam Baillie (Chair) - SCCYP

Juliet Harris - Together

Boyd McAdam – Scottish Government

Elizabeth Morrison - Together

Stefan Stoyanov – SCCYP

Scott Wood – Scottish Government

Linda Macdonald (notes) - SCCYP

1. Introduction

2. Minutes of the meeting of 23rd November 2011 for approval

Minute approved.

3. Review of minutes of 23rd November 2011

2.0 Revised terms of reference

TB confirmed SCCYP to act as Secretariat for meetings. SG confirmed Scottish Government to host.

It was agreed that updates should be sent in advance of the meeting in order to maximise time for agenda items. Updates will be circulated with the agenda prior to the meeting, with opportunity at the meeting to raise any issues or questions under matters arising.

- **Action:** *All to send updates to secretariat in advance of meetings as per the agreed Terms of Reference*

4.3 Scottish Government guidance on Gypsy/Traveller site management

SW confirmed that an updated note has been circulated. The second phase of more in-depth work to begin shortly.

- **Action:** *SW to inform group of timescales and confirm engagement of travellers in consultation process*

4.5 Third Optional Protocol

Together and SCCYP wrote a joint letter to the Cabinet Minister for Justice requesting the Scottish Government's support in influencing the UK government to sign and ratify the protocol early and without reservations. The UK Children's Commissioners wrote to the UK government directly. A response to the Together/SCCYP letter has been received from the Minister for Children and Young People indicating that this is currently under discussion between Ministers.

4.6 Scottish Government Young Persons team

Induction for Gita Sharkey and Jan Murray with Together and SCCYP to be arranged.

5.0 Rights of Children & Young People and Children's Services Bills

The Scottish Government is still working through issues raised by consultation responses to the Rights of Children & Young People Bill. The local government elections will affect timescales for the introduction of the Bill.

The First Minister's recent announcement in regard to provision of childcare will have an impact on the Children's Services Bill. The timetable for the Bill will be revisited to ensure delivery for summer 2014.

TB noted a growing sense of unease and speculation in the children's sector as a result of the lack of news/information about the Rights of Children and Young People Bill. JH stated that this was reflected in the enquiries received from Together's members. BM confirmed Ministers' commitment to the Bill, but no further announcements will be made until mid-May, after the local government elections.

- **Action:** SW to provide feedback on policy position when available.

6.1 Child Trafficking

The Minister for Children and Young People will be meeting with Christina McKelvie MSP, the Commissioner and Scottish Government officials. The Parliamentary debate on child trafficking and the Child Protection Chairs meetings have now taken place-- the Scottish Government's formal response to the report is expected within the next few weeks.

SS noted that in the absence of a UK-wide strategy there is a gap to be addressed. Article 5.2 of the Council of Europe Convention on Action against Trafficking in Human Beings, places an obligation on governments to establish and strengthen effective policies and programmes to prevent trafficking.

- **Action:** SW to pass Council of Europe information to Elisabeth Sloan

There has not been a call for a separate strategy for children and young people, but for a Scottish strategy on human trafficking, incorporating specific action on child trafficking.

SS commented about the need to update the SG guidance “Safeguarding Children in Scotland who may have been Trafficked” as the guidance was published before the start of the National Referral Mechanism and also needs to reflect good practice developed in Scotland since then. BM noted that all SG guidance documents are living documents and are constantly updated.

- **Action:** *SW to enquire if there are any plans to update guidance*

6.2 Age assessment of asylum seeking children

The four UK children’s commissioners have written a joint letter to the UKBA following the recent announcement about trialling dental tests for age assessment in England. This does not affect Scotland at this point, but concern was raised that there could be implications for young people in Scotland who are sent to England.

- **Action:** *JH to speak to the Scottish Refugee Council about potential impact on young people sent to England.*

In regard to sharing good practice on age assessment, JH noted that the Scottish Refugee Council and its partners have almost finished drafting guidance; however, they will not be sharing the draft prior to the launch, which should take place by summer.

6.3 Guardianship

SCCYP has received a response from the Minister to a letter outlining concerns regarding calls to exclude child victims of trafficking from the guardianship project. The letter confirms the Scottish Government’s continued support for the inclusion of young trafficked children in the guardianship project.

6.4 Children of Prisoners

The planned February meeting between Scottish Government policy leads and SCCYP was postponed due to insufficient representation, but has been re-scheduled for the 26th April.

Together, Families Outside and SCCYP are trying to ensure that issues facing children of prisoners are raised at the Universal Periodic Review of the UK at the end of May. Three key issues from the Not Seen, Not Heard, Not Guilty report (which were not brought up in the UK Government national report to the UPR) are being put forward: promoting the use of child impact assessments, establishing visitor centres and ensuring that visits are the right of the child rather than the privilege of the prisoner.

7.1 Scottish Government UNCRC interim report

The ‘Do the Right Thing’ interim report is being prepared for publication (the intention is to publish by the 14th May in time for the first Together seminar). Together encouraged the Scottish Government to continue their inclusive approach in regard to tracking progress. Following discussion about timings for publication of the report, it was agreed that publication could be followed up with a short reply from the Scottish Government to

feedback from the NGOs attending Together's seminars. A note will be included in the report to this effect.

Reporting timetable - SW confirmed January 2014 is when the UK Government is planning to submit its next regular report to the UN Committee on the Rights of the Child.

TB noted that government officials will be invited to attend the September meeting of the UK Commissioners.

- **Action:** TB to provide SG with details of the proposed meeting.

SS asked if consultation with children and young people would form a part of the Scottish Government reporting process. SW confirmed that this would be part of the continuous process. It was noted that this will require further discussion.

GIRFEC mapping

JH requested an update on GIRFEC mapping and how it will be presented. The Scottish Government has received information and the draft text is at an early stage. An early draft should be available to share by the end of April.

4. General Principles of the UNCRC

Participation

The consultation on advocacy standards for children and young people closed on the 29th February 2012 with 90 responses from adults and organisations and 90-100 responses from children and young people.

The consultation responses are now undergoing independent analysis. The results are not anticipated before May. The next meeting of the steering group is anticipated to take place in the summer, once the policy position is clear.

The Scottish Government will be meeting with health services to discuss consistency and agreement —particularly re. advocacy standards under the Mental Health Act.

Questions and implications about resourcing (including specific arrangements needed for looked after children) will be examined once the analysis has been received.

Best interests

TB observed that the Children's Rights Bill presents a good opportunity to develop structures for participation of children and young people throughout legislative processes.

Discussions are taking place around any legal difference in definition between welfare and well-being and how this would feed into assessment processes. There has been a shift to concentration on improvement (over prevention): i.e. how to improve the lives of children and young people. JH noted this was identified in the Common Core approach and welcomed it as

an important addition to best interest principles. The Scottish Government is preparing a paper setting out examples of best practice, which will be available shortly.

Non discrimination

The public petition on mosquito devices is currently going through committees in Parliament. There has been no suggestion that the government will be taking steps to ban the device. Banning the sale of the device presents difficult questions around reserved/devolved areas. The alternative approach could address the use rather than the sale of the device. BM stated that there is a lack of information on use of the device and possible harm to children and young people. SS suggested to the SG that a mapping exercise of the use of the device in Scotland could be a first step towards establishing this information. TB suggested that there is a reasonable case for discrimination.

Although the Minister is not minded to consider primary legislation, there could be some scope for consideration under police powers re. inappropriate use of devices.

The Scottish Government will be submitting a written response to the public petitions committee.

5. Date of next meeting

The next meeting will be held on the 13th June at 2pm.

Summary of Actions	Responsibility	Progress
Updates		
Updates to be provided in advance of next meeting, to be circulated with agenda.	All	
Gypsy/Traveller site management		
SW to inform group of timescales and engagement of travellers in consultation process'	SW	
Rights of Children & Young People and Children's Services Bills		
Scottish Government to provide feedback on policy position when available.	SW	
Child trafficking		
SW to pass on information re. government obligations under European Convention Against Trafficking in Human Beings to Elisabeth Sloan	SW	
SW to enquire whether any plans to update child trafficking section of child protection guidance	SW	
Age assessment of asylum seeking children		
JH to speak to Scottish Refugee Council on possible impact of dental age assessment tests on young people sent to England from Scotland.	JH	
Scottish Government UNCRC interim report		
TB to provide information to SG re. UK Commissioners' meeting	TB	Proposed date has been sent to SW