

Scottish Children's Rights Implementation Monitoring Group

Tuesday 20th August 2013
Scottish Government, Victoria Quay, Edinburgh
14:00 – 16:00

Attended:

Tam Baillie – SCCYP (*TB*)
Katie Brown – SCCYP (*KB*)
Emma Grindulis (minutes) – Together (*EG*)
Juliet Harris – Together (*JH*)
Boyd McAdam – Scottish Government (*BM*)
Colin Morrison (Chair) – Together (*CM*)
Gita Sharkey – Scottish Government (*GS*)
Scott Wood – Scottish Government (*SW*)

1. Apologies:

Cathy Begley – SCCYP (*CB*)
Nico Juetten – SCCYP (*NJ*)

Attendees reflected on the positive impact that Stefan Stoyanov (SCCYP) made to the SCRIMG meetings and were keen to thank Stefan greatly for all of his hard work and commitment.

Maire McCormack will be moving to a secondment and therefore will not be present at SCRIMG meetings for the foreseeable future.

2. Review of actions in minutes of 29th April 2013

Section 3 (page 2): '*Rights Respecting Schools*' to be changed to '*Realising and Recognising Rights*.'

- **Action:** *EG* to amend minutes regarding Section 3.

Summary of actions from previous meeting and progress made:

- *SW* to arrange meeting with Jim Wilson: *SW* met with *NJ* and Philip Lamont to discuss the best interest principle, sentencing policy and the proposed establishment of a sentencing council.
- *SW* to keep SCRIMG members updated on the UPR process: The UK UPR report will be completed by the end of 2013 – there is potential for stakeholder engagement in Scotland between now and then.
- *SW* to share details of CYP Bill timetable with the group: The deadline for the Finance Committee evidence is Friday 23rd August. The Local Government and Regeneration Committee will receive evidence on children's services planning and there will be debate as to how the CYP Bill will fit with the planning structures of the Community Empowerment and

Renewal Bill. It is assumed that Stage 2 of the Bill will take place in November/December and Stage 3 will be completed by Easter.

- *BM* to follow up discussion with *NJ* re ICO advice: There is ongoing dialogue and debate around the possible infringement of Article 8 of the ECHR. There are also continued concerns of process and impact of the information sharing provisions. *BM* met with Alan from the GIRFEC team re: refreshing the privacy impact assessment of the CYP Bill. A follow up regarding information sharing will be organised. The date for an updated privacy impact assessment is not currently available.
- *TB* to offer a written response to publication of the CYP Bill: There has been a written response to the SG, particularly concerning the new powers of the SCCYP office in terms of finance and operations.
- *SW* to meet with SCCYP and Together in June 2013 to discuss the early phase of the 2014 UNCRC report: A meeting did not take place. The Scottish Government submission to the 5th UK Government Report to the UN Committee on the Rights of the Child has been submitted and a meeting between the 4-nations is being held on September 24th. A UK condensed consultation will take place in the autumn. There has been no suggestion from the UN Committee that the UK should delay the submission of its report so it is set to be submitted in January 2014. The report into the views of children and young people by Susan Elsley and Kay Tisdall has been published and has been circulated to Scottish Government policy teams to help address gaps.
- *SW / TB* to follow up discussion on strengthening links with Child Rights Officers' Network: This has not been completed so far but there was agreement that it is still an important action as it will be a good means of connecting with local leads. *SW* will follow up the action. *TB* is keen to get involved.

3. Matters arising

Review of Terms of Reference:

JH was keen to reflect on how SCRIMG is working at present and how it can become more effective. The discussion reflected on the capacity of SCRIMG. It was agreed that SCRIMG would benefit from the expertise of a wider group of people, perhaps through extending invitations to meetings to specific experts. This could ensure the rights agenda is extended across the SG, public bodies (inc. ADES and ADSW) and the GIRFEC programme board. This could potentially increase the relevance and usefulness of SCRIMG as Local Authorities and representatives of CPPs could report on their implementation of the UNCRC.

JH felt that the accountability of SCRIMG as stated in SG submission to the UK Government Report to the UN Committee to 'share best practice' was inaccurate, as the terms of reference of SCRIMG is to hold the SG to account and identify gaps in the implementation of the UNCRC.

- **Action:** *JH* will speak to *SW* and then to *TB* to compile a list of potential contacts to invite to join a wider SCRIMG group (preferably with a target of within 2 months) with a view to a wider group receiving the minutes and invitations to relevant meetings.
- **Action:** *BM* to consider how SCRIMG can link better with the GIRFEC programme.

- **Action:** *EG* will continue to upload SCRIMG agenda and minutes to the Together website. A news article will be included in the Together's e-newsletter that summarises each SCRIMG meeting.
- **Action:** A brief news summary will now be produced by *EG* after each SCRIMG meeting to make the minutes more accessible and concise.
- **Action:** *BM* will ask for a link to be placed to the relevant page on Together's website on the GIRFEC email update to publicise the work of SCRIMG.

Common Core of Skills:

JH asked the SG how the Common Core was being used to develop guidance for the CYP Bill. *BM* stated that the structure for the guidance has been set and that it now needs to be developed. The Common Core has not yet been explicitly referenced in the guidance.

JH urged the SG to reference the Common Core where possible. It is seen as a very positive and useful document and yet awareness of it continues to be very low.

4. Key theme:

Criminal Justice Legislation

JH raised the concern that despite the SG's commitment to give fresh consideration to raising the age of criminal responsibility in Scotland (which is a pressing issue of many of Together's members), this is absent from the Criminal Justice Bill. An update as to why such consideration has not been included was requested.

SW confirmed that there will be 2 pieces of justice legislation before the end of this Parliament and that it may be a better fit for the second piece of legislation. SG still remains committed to reconsider raising the age of criminal responsibility before May 2016 as it is a published commitment.

- **Action:** *SW* will follow up with justice colleagues as to why consideration regarding raising the age of criminal responsibility has not been included in the Criminal Justice Bill, and give written feedback to the SCRIMG group.

TB highlighted the importance of extending the best interests principle to all legislation, and welcomed its appearance in the Criminal Justice Bill. Together were also supportive of this positive move.

5. Standing items

UNCRC 2014 reporting

TB noted that Northern Ireland has not yet published a submission to the UK UNCRC report. *TB* asked what the UNCRC report will look like at a UK level. *SW* has a meeting with the UK Government on 24th September and an intense process of negotiation would follow thereafter. There will be the opportunity for further stakeholder engagement later this year through a condensed consultation on

the combined UK UNCRC report. This will last between 4/6 weeks. SW will try to give advance notification of the dates of this consultation.

- **Action:** SW to give advance notification of the dates of the UK UNCRC report consultation.

SG submission to the UK Government Report to the UN Committee was submitted in June 2013. Paragraph 71 refers to 'welfare' rather than 'best interests' with regard to detention and arrests. TB requested that SG change this to 'best interests'. SW said that this would be noted.

No SG representative attended any of the Together seminars and very little of the Together seminar report was taken into account in the SG report. JH highlighted that the statement included in the SG report that "SG had engaged with 120 individuals through seminars held by Together" is misleading. JH stated that the lack of reflection on Together's seminars in the SG report will be addressed in Together's 2013 State of Children's Rights Report. SW responded by emphasising that it is a challenge for the SG to include the views of all stakeholders, particularly where a range of different views exist in relation to certain issues.

JH welcomed the report commissioned by the Scottish Government "Children's experiences of, and views on, issues relating to the implementation of the UNCRC". The report is a tangible outcome of the SCRIMG meetings as it was called for in SCRIMG meetings in late 2012. JH asked how SG planned to tackle the gaps identified in the report. SW stated that various teams in SG would be following this up. As part of monitoring implementation of the UNCRC, SW highlighted that all organisations working with children could perhaps reflect on the need to better record and document best practice and research.

- **Action:** An item for the next SCRIMG meeting will be focusing on the gaps the report "Children's experiences of, and views on, issues relating to the implementation of the UNCRC" and assess how SG can establish children's views more meaningfully and routinely.
- **Action:** KB, SW and JH to look at what learning can be taken from the report and at opportunities to address gaps, for example, systemic change through guidance.

Children and Young People Bill:

JH asked what stage the SG is at with regards to developing guidance to accompany the bill and what opportunities there would be for the children's sector to help develop guidance and ensure that it embeds children's rights?

SW stated that there are two sets of guidance:

- 1) Guidance for ministerial duties
- 2) Guidance for public bodies to satisfy reporting.

In terms of a child rights impact assessment (CRIA), the model developed by SCCYP along with various other models has been considered. This CRIA model is being developed within the context of an integrated human rights and privacy impact assessment. SG is keen to share the key parts of the initial model with Together and SCCYP before the Family Law team performs a pilot.

- **Action:** SW to share initial CRIA model with Together & SCCYP.

With regards to raising knowledge and understanding of the UNCRC, it was suggested that the Welsh implementation scheme could be used as an initial reference. However, it was then suggested that it may be more helpful to use Education Scotland's professional development training package as an initial point of reference. *CM* stated that the Education Scotland package is knowledge-based and that it could be more creative.

SW stated that there is a draft outcomes framework for public bodies which will form part of the guidance but this is still in its infancy. *JH* confirmed that Together is keen to offer support. *TB* suggested that public bodies should be included in the development of the framework, to spread the ownership and ensure they are able to implement the duty effectively.

BM stated that the guidance for the named person/lead professional is currently being developed and that the consultation will follow.

JH highlighted that the routine use of CRIA and an implementation scheme on the face of the Bill would help to ensure consistency in the implementation of guidance and ensure the aims of the CYP Bill policy memorandum are realised. This would ensure that the recurring issue of 'patchy implementation of the UNCRC' is tackled.

- **Action:** *JH* will send a short paper to *BM* on an implementation strategy for the CYP Bill to ensure guidance is underpinned by rights as well as wellbeing.

6. A.O.B

SW welcomed further discussion of any feasible amendments to the CYP Bill.

TB highlighted that information sharing and the named person will be a significant point of scrutiny.

7. Theme and date of next meeting

The theme for the next meeting will be agreed in 2 months time (end of October) once a list has been collated to invite new members to the SCRIMG group. An agenda will then be shaped depending on who is able to attend the next meeting.

JH confirmed that Together's State of Children's Rights report (2013) aims to widen its recommendations beyond the SG, so may create useful links to invite to the SCRIMG group.

Discussion regarding the date of the next meeting concluded that is likely to be early February 2014 once the first UNCRC report has been submitted.

- **Action :** Next date to be arranged by Together.

Summary of Actions	Responsibility	Progress
Matters arising		
○ Action: <i>EG</i> to amend minutes regarding Section 3.	EG	
○ Action: <i>JH</i> will speak to <i>SW</i> and then to <i>TB</i> to compile a list of potential contacts to invite to join a wider SCRIMG group (preferably with a target of within 2 months) with a view to a wider group receiving the minutes and invitations to relevant meetings.	JH	
○ Action: <i>BM</i> to consider how SCRIMG can link better with the GIRFEC programme.	BM	
○ Action: <i>EG</i> will continue to upload SCRIMG agenda and minutes to the Together website. A news article will be included in the Together's e-newsletter that summarises each SCRIMG meeting.	EG	
○ Action: <i>BM</i> will ask for a link to be placed to the relevant page on Together's website on the GIRFEC email update to publicise the work of SCRIMG.	BM	
○ Action: A brief news summary will now be produced by <i>EG</i> after each SCRIMG meeting to make the minutes more accessible and concise.	EG	
Key theme: Criminal Justice Legislation		
○ Action: <i>SW</i> will follow up with justice colleagues as to why consideration regarding raising the age of criminal responsibility has not been included in the Criminal Justice Bill, and give written feedback to the SCRIMG group.	SW	
Standing items: UNCRC reporting and CYP Bill		
○ Action: <i>SW</i> to give advance notification of the dates of the UK UNCRC report consultation.	SW	
○ Action: An item for the next SCRIMG meeting will be focusing on the gaps the report "Children's experiences of, and views on, issues relating to the implementation of the UNCRC" and assess how SG can establish children's views more meaningfully and routinely.	EG	
○ Action: <i>KB</i> , <i>SW</i> and <i>JH</i> to look at what learning can be taken from the report above and at opportunities to address gaps, for example, systemic change through guidance.	KB, SW and JH	
○ Action: <i>SW</i> to share initial CRIA model with Together & SCCYP.	SW	
○ Action: <i>JH</i> will send a short paper to <i>BM</i> on an implementation strategy for the CYP Bill to ensure guidance is underpinned by rights as well as wellbeing.	JH	
Theme and date for next meeting		
○ Action: To be arranged by Together	Together	