

Scottish Children's Rights Implementation and Monitoring Group

Monday 27th June 2016

Scottish Government, Victoria Quay, Edinburgh

2:00pm - 4:00pm

Attended:

Tam Baillie (TB) – Commissioner, Children and Young People's Commissioner for Scotland (CYPCS)

Juliet Harris (JH) – Director, Together

Fiona Jones (FJ) – Chair, Together (*Chair*)

Luiza Leite (LL) – Policy Officer, Children's Rights, Scottish Government

Phil Raines (PR) - Children's Rights and Wellbeing, Scottish Government

Agnes Rennick (AR) – Policy Officer, Children's Rights, Scottish Government

Gita Sharkey (GS) – Team Leader, Rights and Participation, Scottish Government

Sarah Stewart (SS) – Policy Manager, Children's Rights and Participation, Scottish Government

1. Apologies

There were apologies from Katie Brown (CYPCS), Maire McCormack (CYPCS), and Liz Millership (Together).

2. Review of actions in minutes of 13th January 2016

- *Action: SG to provide a list of advisory groups relating to children.*

PR explained this action was pending and would be done as soon as possible.

Action: PR to recirculate the list of advisory groups relating to children, in the event that those present did not receive it.

- *TB to talk to Education Scotland on monitoring the impact of rights education on children and young people.*

TB explained this has not yet taken place, however a meeting has been organised and TB would report back on discussions regarding baselining, etc.

Action: TB to talk to Education Scotland on monitoring the impact of rights education on children and young people

All other actions had been carried out.

3. Matters arising

UNCRC discussion - there was general discussion about the UNCRC examination in Geneva and the following points made:

- FJ and JH commented that the Director of Children and Families, Olivia McLeod's responses were succinct and covered the questions. They thought that she represented the interests of the Scottish Government very effectively. SS noted that this was a reflection on how SG worked together.
- TB was impressed with the committee members, and noted that engagement with CYP was very good; young people were really engaged with the process and made an impression on committee members.

AR asked if at the next UNCRC examination the questions could possibly be made available to officials prior to the examination session. JH said this is not possible, as the committee members themselves were not entirely sure as to what they would ask in advance of the session. The meeting with young people influenced the questions asked, with some questions being identified the night before the second session.

JH asked if there would be an acknowledgement from SG of the publication of the Concluding Observations, and commented that Wales had done so. It would be good for SG to acknowledge (or thank the Committee for) the Concluding Observations, as it would look good for Scotland in the public eye. PR said SG would consider issuing a statement on Concluding Observations.

4. Key themes

➤ **UK Examination by the UN Committee on the Rights of the Child**

Concluding Observations

There was general debate on unexpected recommendations within the Concluding Observations, with particular focus on raising the age of marriage to 18. TB noted this had not been explicitly raised by the Scottish delegation, but that there was a long-standing interest in the issue by the Committee. JH mentioned a UNICEF research piece on child marriages, and some concern about 16-17-year-old girls from ethnic minorities groups marrying men much older – it was suggested legally in terms of law but against their will. This had various implications in relation to age of capacity/maturity/child protection issues. Together was currently undertaking some research to identify what statistics are available in Scotland to identify the numbers of 16-17 years-olds getting married, and the age of their spouse, as any consideration of the Concluding Observations should draw on an evidence base. GS noted this issue seemed to be more about vulnerability rather than age itself (e.g. people with disabilities may also be taken advantage of) and not necessarily just about children. PR queried how young people reacted to raising the age of marriage. JH and TB both said they thought it unlikely that this was raised. There was mutual agreement from all parties that this was a grey area requiring further consideration and analysis.

Next Steps

JH talked through some of Together's next steps after the Concluding Observations. The 2016 State of Children's Rights report will cross-reference issues raised with those raised in connection with other treaty bodies and where they echoed on children's rights, draw from consultation with members on how they would like to see Concluding Observations recommendations taken forward in Scotland and provide a baseline against Concluding Observations, etc. JH commented she was overall really pleased with the extent to which the Concluding Observations reflected Together's members' concerns.

TB asked where SG was at with responding to the Concluding Observations. PR and GS said SG had had preliminary discussions with Whitehall colleagues about next steps but that at that stage decisions down south were on hold prior to the EU referendum result. TB said many issues in the Concluding Observations could be delivered at Scottish level, and asked how SG would take forward the Concluding Observations beyond SCRIMG meetings. GS noted Ministers have obligations to report under Part 1 of the CYP Act, which go beyond Concluding Observations. It was important to look at the two reporting and planning duties together. Furthermore, SS noted progress on guidance under Part 1 (public bodies reporting), as well as progress with CRWIA.

TB said he wanted to see the ministerial stamp clearly on children's rights, and to take that momentum right across government. PR said there was a lot of work being done in that respect. Recommendations needed to be looked into and discussed thoroughly. Ministers have made clear their support for children's rights with the reporting duties under Part 1, and SG wants children's rights to be the responsibility of everyone across SG.

There was general discussion about local government. TB believed if Ministers put their mark on children's rights and delivering on the Concluding Observations and shared this with COSLA, it could become very powerful tool. PR stated LA's needed to consider their responsibilities under the Concluding Observations as progress required many partners to work together. TB reiterated this should be pitched at the highest level. PR and TB agreed that clear ministerial ownership would be beneficial, however PR noted there should be further consideration re COSLA.

JH asked what could be done with CRWIAs at public body level, and reflected on the Concluding Observation that CRWIAs should be made mandatory in law. PR noted this should be considered carefully. SS agreed SG would be wary of making this mandatory as this could potentially result in a tick-box exercise.

TB noted the family violence update on SG's SCRIMG update which was welcomed. There was a lot in the SCRIMG updates to affirm where progress was being made.

TB returned to his question around SG plans regarding the Concluding Observations. PR stated SG was currently digesting information and looking at future steps – including discussions with Ministers. AR noted that the team was looking into what was appropriate for a SG level response, and what was for others. SG would like to put the time and effort into getting things right now before sharing the Concluding Observations with colleagues for comment.

TB stated there was a need for a broader vision than children's services – this required to be taken forward at a political level.

➤ Review of UNCRC Monitoring Structures

SCRIMG Terms of Reference

Together spoke with their members at seminars about the structure of SCRIMG, and developed the idea of a panel structure which would allow Together and CYP to push for progress of UNCRC and bring forward specific aspects of children's rights at ministerial level. PR said this was something to consider, however stressed that any funding for the panels would have to be accommodated from current resources.

JH affirmed no resources had been allocated to the proposal yet, however members could be willing to support. PR acknowledged that this was a valid suggestion that warranted more in-depth consideration.

In addition, it was proposed that there should be Ministerial participation at future SCRIMG meetings. In discussion, it was suggested that this might take the form of the Group reporting back to the Minister at select points annually, rather than attendance at each meeting. TB noted more representation was needed in terms of additional learning needs education; CYPCS would highlight the areas where greater momentum was needed.

JH said we could keep SCRIMG as a monitoring group, as well as introduce UNCRC monitoring panels (subject to the approval of Scottish Government). PR suggested that the more we could get other groups to do, the more it would benefit everyone across the board. GS and PR agreed they were open to the panel idea, and would discuss ministerial involvement (frequency and purpose). The issue of ownership was also to be discussed.

JH and FJ agreed a paper on Monitoring Structures should be produced and taken to Ministers. JH said they would produce the paper by the end of Summer, and that it should followed up by a meeting around October time. Together proposed SG should present options to Ministers and discuss how they should be involved. PR would consider whether the Ministers should be present due to time constraints.

Action: JH and FJ agreed to draft an options paper on UNCRC Monitoring Structures by the end of summer, with a view to discussing the paper at the next SCRIMG meeting.

Child Rights & Wellbeing Impact Assessments

There was a brief discussion on CRWIA as it had already been discussed earlier in the meeting. JH stated the CRWIA on Part 1 (public bodies reporting) was really welcomed by Together and their members. SG updated on Part 3; analysis of response was currently under way and would be completed around August 2016 time. The CRWIA on Part 3 was being developed. JH noted that it would be highly useful to see this CRWIA at SG's earliest convenience. SS stated that it would be possible for Together and its members to comment on the findings of the CRWIA in order to inform the development of the final Part 3 guidance.

5. Standing items

JH inquired about SG's update to Ministers on equal protection due at the end of June. SG affirmed this was simply a general update to Ministers on the recent Church of Scotland motion and SG's position currently remained unchanged. The submission had not yet been issued.

AR updated that SG was currently running low on UNCRC rights booklets. Due to budgets constriction, SG was open to collaboration suggestions, and asked how the booklets could be used in a sustainable manner. TB noted the booklets were needed, and CYPCS respond to requests for them on a demand basis. Evaluation and feedback on the uses of the booklets was suggested by SG.

6. AOB and date of next meeting

SS mentioned communication of the Common Core needed more thinking about and SG welcomed any further discussion on how it could be aligned to other rights focussed work and whether the 2 tables could become the basis of a summary document. JH suggested a separate meeting to discuss the Common Core and this was welcomed by SG.

Together will organise the next meeting in October via doodle poll.