

Scottish Children's Rights Implementation and Monitoring Group

Wednesday 13th January 2016

Scottish Government, Victoria Quay, Edinburgh

2:00pm - 4:00pm

Attended:

Tam Baillie (TB) – Commissioner, Children and Young People's Commissioner for Scotland (CYPCS)
Katie Brown (KB) – Head of Participation and Education, Children and Young People's Commissioner for Scotland (CYPCS)

Juliet Harris (JH) – Director, Together

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

Liz Millership (LM) – Together (*Acting Secretary*)

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

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

1. Apologies

There were apologies from Emma Grindulis (Together), Maire McCormack (CYPCS), Pauline McIntyre (CYPCS), Agnes Rennick (Scottish Government), Gita Sharkey (Scottish Government) and Stuart Robb (Scottish Government).

2. Review of actions in minutes of 26th June 2015

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

It was unclear as to whether or not this action had been completed.

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

All other actions have been carried out.

3. Matters arising

Date of next meeting: It would be useful to pencil in two possible dates for the next SCRIMG meeting: one in early July before the summer holidays and the other in early August to be used as an alternative if the UN Committee's Concluding Observations have not been published by July.

Action: EG to Doodle Poll provisional dates for the next SCRIMG meeting.

CRWIA: Ongoing work will take place before the next SCRIMG meeting to develop the CRWIA model for wider use out with Scottish Government, and to publish the CRWIAs that have already been

undertaken within Scottish Government. Together, the Children's Commissioner's office and Scottish Government will continue to liaise and meet out with SCRIMG to take forward this work.

Terms of reference: There is still a need to revise the SCRIMG Terms of Reference after the publication of the UN Committee's Concluding Observations and in the context of the new duties included in Part 1 of the Children and Young People (Scotland) Act 2014. Any proposal should also be mindful of previous discussions on the possibility of encouraging a Ministerial presence to the group. JH and TB will work on a paper to present to the next SCRIMG meeting. This will be informed by evidence gathered from Together's members over the next few months.

Regarding a Ministerial presence, JH is mindful of the reporting duties under the Children and Young People (2014) Act and the enhanced structure that this may provide. PR would want a very clear outline of what the Minister's role at these Ministerial meetings would be.

It was agreed that production of the Ministerial paper should include consultation with the Commissioner's Office. KB highlighted that it is essential for young people to be included on holding Scottish Government Ministers to account.

Action: JH & TB to draft paper on proposed Terms of Reference for consideration.

4. Key themes

➤ **Children and Young People (Scotland) Act: commencement and guidance**

Child Rights and Wellbeing Impact Assessment (CRWIA)

SS presented a paper copy of the existing CRWIA model that was originally developed for use by the Scottish Government officials as a policy development and improvement tool in order to support Scottish Ministers meeting their duties under Part 1 of the 2014 Act. An important element of the work is accessing the voices of children and young people and this is something that policy leads can seek help with from Young Scot, the Scottish Youth Parliament, the Children's Parliament and other third sector partners. There are plans to publish CRWIA this spring so that other public bodies and third sector organisations can adapt it to their needs. The online suite of materials developed to accompany it include a 'Quick Reference Guide to Children's Rights Legislation' and a '20 minute training tool'.

FJ suggested that the Rights Respecting Schools Award would benefit from the use of CRWIAs.

SS stated that CRWIAs are being undertaken on Part 1 and Part 3 of the Children and Young People (2014) Act. A 'long lens' approach over a period of 12 months will model the timescales commonly used by officials in policy development. A further phase of CRWIA training is being considered, e.g. for Scottish Government senior management.

JH expressed her positive response to the CRWIA model and noted that Together and the Commissioner's Office are supporting the Justice Team to undertake a CRWIA on proposals to raise the minimal age of criminal responsibility. The CRWIA will be used to take a phased approach, starting with an initial CRWIA looking at recommendations from the group. Consultation leading on from this

will provide opportunity to enhance the CRWIA to develop the learning process, thereby testing the CRWIA as a model.

JH also noted that several members and contacts from NGOs, Police Scotland and Public Bodies have requested to view the CRWIA model. Together are enthusiastic about releasing the CRWIA model for use as soon as possible to provide a model from which others can work. This will promote awareness of CRWIA and provide opportunities for refinements through practical use.

Furthermore, JH noted the need for the Scottish Government to publish any CRWIAs that have already been undertaken. It is equally important to publish where an initial assessment is undertaken and full CRWIA is deemed NOT necessary as it is when a CRWIA has been undertaken. Together is keen to explore how CRWIAs have been conducted to date and where policy has been influenced as a result.

TB asked what steps were being taken to ensure quality in the CRWIAs being undertaken. Resourcing levels within the Rights and Participation team mean that specific quality control cannot be undertaken on every CRWIA. However, SS is providing support to those undertaking CRWIAs when requested.

Raising awareness and understanding of the UNCRC

FJ noted that making a comprehensive UNCRC implementation strategy tied in with the new Concluding Observations would be welcomed in the context of a newly elected Scottish Government (similar to Do the Right Thing). This should raise awareness and understanding of the UNCRC and include a participation strategy to ensure that children's views are listened to and taken into account.

Scottish Government noted that a Child Rights Strategy (PR suggested this become an 'action plan') is to be revisited after the new Concluding Observations are released. JH noted that the duties under the CYP Act can be combined with these new Concluding Observations to promote the awareness and understanding of the UNCRC and to develop a communication strategy with regards to the Common Core.

With regards to children's rights in schools, TB is positive about the annex through Education Scotland and wants to capture what has developed over the last five years with rights in school as there is a possible information gap in this regard.

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

Child Rights Launchpad: FJ questioned the anticipated sign-up numbers of the Child Rights Launchpad as whilst expected numbers were 112,248, the actual number of sign-ups is 4406. This is a significant difference which needs exploring.

Action: PR to investigate the discrepancy in sign-up numbers of the Child Rights Launchpad.

Part 1 duties on Public Bodies

JH reiterated that Together are keen for the CRWIA model to be distributed so that it is accessible to public bodies. PR stated that Scottish Government will aim to publish it in February but that it first needs revision by the legal team. The cut-off time for release would be the pre-election period.

JH is particularly pleased with the revised Part 1 of the draft guidance.

Part 2: TB noted that there is no update on the development of current work regarding Part 2 of the CYP Act, and that there is disagreement as to the resources required to complete this.

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

Input into UK list of issues

PR informed the group that Scottish Government will be separately publishing a response to the UK list of issues. There will be points of difference with the UK Government to which Scottish Government will await a response. JH confirmed that Together intends to work with the Committee in order to ensure they have a full understanding of devolution and the need to take account of its impact on children's experiences of their rights.

The intent of Scottish Government to publish a response to the List of Issues has prompted the Welsh Government to do the same. JH and FJ will make a request to the Joint Committee on Human Rights (JCHR) to write to Ministers to ensure that responses to the List of Issues includes all the nations, and in the examinations in May. Differences of opinion on 'universal UK view' were acknowledged.

Scottish Government input into state examination

Action: PR to offer the assistance of JH and TB to Olivia McLeod, Director for Children and Families to prepare for the state examination.

5. Standing items

OP3 to the UNCRC update

JH informed the group that there has been no progress in this and will raise it with the JCHR. Together reiterated the value it would place on the Scottish Government clearly stating its support for OP3. Whilst Together recognises that this is a UK and not a Scottish level, Scottish Government can nevertheless exercise influence over the issue. Recognition of OP3 by Scottish Ministers would help to distinguish Scotland as committed to children's rights.

6. AOB

Child Rights Manifesto: JH expressed disappointment that the Minister for Children and Young People has declined to become a Child Rights Champion, as put forward in a letter by AR which states that

“Given the recent implementation of Part 1, we would not want to create any ambiguity or uncertainty that Ministers’ statutory duties, as set out in the 2014 Act, are in any way optional or subject to them signing up to other documents or manifestos.”

Despite reassurance that the Manifesto is built on values and not provisions, PR confirmed that no comment or change can be made to this position. Surprise and disappointment of JH and FJ acknowledged.