

Scottish Children's Rights Implementation and Monitoring Group

Tuesday 8th November 2016

Scottish Government, Victoria Quay, Edinburgh

10:00am -12:00pm

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*)

Maire McCormack – Head of Policy, Children and Young People's Commissioner for Scotland (CYPCS)

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

Agnes Rennick (AR) – Children's Rights and Participation Team, Scottish Government

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

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

1. Apologies

There were apologies from Katie Brown (CYPCS) and Pauline McIntyre (CYPCS).

2. Review of actions in minutes of 27th June 2016

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

TB met with Education Scotland on this issue, but key staff have since moved posts. It was ascertained that there was no baselining of children's rights in schools. There were no clear outcomes or commitments from this exchange. With regards to a thematic inspection of participation, JH highlighted that a distinction must be made between the teaching of children's rights as a subject and taking a child rights-based approach within schools. Whilst both are essential, the former relates directly to the new UN Committee on the Rights of the Child recommendation 73(g) to 'Make children's rights education mandatory' whereas the latter is about embedding children's rights into the ethos and culture of a school.

Action: TB to follow up this exchange with Education Scotland and clarify between the content and approach of schools to children's rights.

- *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.*

JH explained that several developments had occurred since the previous SCRIMG meeting including Together's successful application for a Scottish Universities Insight Institute (SUII) seminar series to be run next year from February – June 2017, bringing children and young people, civil society, Scottish Government and academics together to explore the implementation of the UNCRC in Scotland. Together had also since published its 2016 *State of Children's Rights in Scotland* baseline report. It therefore made more sense to draft an options paper after intensive engagement with key stakeholders through these SUII seminars, and influenced by the new Concluding Observations that are contextualised through Together's report. Clarification of the Scottish Government's position on taking forward the 2016 UN Committee Concluding Observations was also required before the paper was drafted. This was agreed by AR.

Action: JH and FJ to draft an options paper on UNCRC Monitoring Structures after engagement with key stakeholders in Together's 2017 SUII seminar series.

Action: LM to circulate SUII dates.

All other actions have been carried out.

3. Matters arising

MM asked whether there were more details on the 'root and branch' review of the care system recently announced by the First Minister no more information was currently available.

4. Key themes

➤ **Concluding Observations from the UN Committee on the Rights of the Child**

Together's *State of Children's Rights* report 2016

Together was holding a Parliamentary reception on the 16th November at which a preview of the report would be available and officially launched on the morning of the 17th. The report based on comprehensive, wide-scale consultation, provided a baseline of where Scotland is regarding the Concluding Observations and it could be used to inform CRWIA's. The consultation process leading up to the report involved over 350 people through Together's seminars and survey, and there were at least 70 professionals involved in the report's compilation. The report 'translates' the UN Committee's Concluding Observations into manageable Scotland-specific recommendations affecting every-day lives that are informed by children and young people themselves. The report does not prioritise between recognition of recommendations but rather aims for broad ownership of the recommendations made. It could also be used to complement SNAP and international reporting obligations to create a culture change in children's rights.

Moving towards shared ownership, JH and TB highlighted that Together and CYPCS were prepared to support Scottish Government in taking the recommendations forward and offered to assist in dissemination between disparate Scottish Government departments. MM also highlighted the importance of mainstreaming and ensuring children's rights are relevant to all.

Scottish Government next steps

AR discussed an engagement event taking place between Scottish Government and key stakeholders in January 2017 which would be used to consider next steps on the Concluding Observations, including recommendations within the *State of Children's Rights* report. The event would include approximately 60 individuals from both within and outwith Scottish Government and TB recommended that it include representatives at senior levels such as the Minister for Childcare and Early Years, Mark McDonald.

One of the questions being asked at the engagement event was that of prioritisation. JH said she thought it important to prioritise the recommendations concerning the general measures of implementation of the UNCRC at local, national and practice levels, as they were key to all the other recommendations. She thought this would have a greater effect than choosing a selection of issue-specific recommendations to take forward. Together members who are experts in their special areas should be enabled to look at issues through the lens of the general measures of implementation. By making such structural changes, other recommendations would follow.

Action: Together and CYPSC to input on suggestions for key stakeholders to be present at the Scottish Government engagement event.

It was questioned how Scottish Government could maximise the impact of the State of Children's Rights report across its internal seminars and meetings.

Action: Scottish Government agreed to disseminate Together's State of Children's Rights report across relevant areas of the SG.

JH enquired about the possibility of a Scottish Government action plan through which the recommendations would be taken forward. It was explained that the January engagement event would inform whether an Action Plan was the appropriate way forward and if so who it would be aimed at. Scottish Government is due to report to Parliament in 2018 and this will be tied into any actions on taking forward the Concluding Observations. TB highlighted the possible involvement of the Equalities and Human Rights Committee in the process.

Action: The possible formulation of an action plan on children's rights to be discussed at the January engagement event between Scottish Government and key stakeholders.

➤ **Review of UNCRC Monitoring Structures**

Regarding the items in this section of the agenda which are: SCRIMG Terms of Reference; Child Rights & Wellbeing Impact Assessments; Other mechanisms, those present agreed that similar to the options paper on UNCRC Monitoring Structures, it was advisable to wait until after engagement with key stakeholders through Together's 2017 SUII seminar series before carrying out these actions.

MM reported having taken part in September 2016's Day of General Discussion, held by the UN Committee on the Rights of the Child in Geneva on children's rights and the environment. The Special Rapporteur of toxins would be visiting the UK, including Scotland, from January 20th – 23rd. MM would be organising the visit which would include visits to national rights institutions, including

the Scottish Human Rights Commission (SHRC). The Special Rapporteur would also speak with members of the Scottish Government. Issues in Scotland include fracking in Falkirk, small community councils affected by toxic human waste, and radioactivity in Dalgety Bay. MM would be bringing a children's rights context to the visit, providing a good example of breaking down the silos in which many of us work.

5. Standing items

Date of next meeting

Action: LM to send out a Doodle Poll

OP3 to the UNCRC update

JH reiterated the value it would place on the Scottish Government clearly stating its support for OP3. Recognition of OP3 by Scottish Ministers would help to distinguish Scotland as committed to children's rights. There has been no change in Scottish Government's position regarding this issue.

6. AOB

Participation Strategy

To facilitate the inclusion of children and young people in decision-making and UNCRC monitoring structures, Together, Children's Parliament and the Scottish Youth Parliament had submitted a joint participation strategy funding application, the results of which will be known in December. Of particular value would be Children's Parliament's expertise in engaging children with local authorities, determining both local and national views. Together with findings from the SUII seminar series, JH would feed back to Scottish Government on participation strategies.

Together and the Commissioner's Office thought that an online database mapping current participation activities, similar to the 'equality portal' outlined by SS would be most useful. This would inform any participation strategy. The rights and participation team were not made aware of all instances of participation with children and young people which could potentially result in inefficient use of resources; although some internal mapping had been undertaken Together was able to collect the information, but not create the portal itself. SS said that there was currently not the capacity to take this work forward. Not all participation with children and young people would demonstrate 'good practice' so a mechanism would be required to assess 'good participation' that includes a feedback loop, so children and young people are informed of what impact their participation has had. JH said this would fit well with CRWIAs and would be financially viable in the long term.

Action: TB to speak with the head of the 2018 'Year of Young People' campaign to see if there are opportunities to link in with a participation strategy.

CRWIAs

JH asked about a point in the Scottish Government update paper regarding further CRWIA templates being added to the CRWIA website over the Autumn period, as it appeared that the website had not been updated for some time. SS explained that CRWIAs had not been added to the site due to technical issues but would hopefully appear soon. JH hoped that the forthcoming *State of Children's Rights* report would be useful in that it included scrutiny of CRWIAs that had been published to date. SS intended to revisit the CRWIA guidance to make it clearer and easier to understand.

UNCRC information booklet

JH said these booklets were a valuable resource and emphasised that Together would also be willing to distribute these through its networks.

Action: Scottish Government to send some UNCRC information booklets to Together.

Action: Together to publicise the booklet via online networks.

Progress on issues of the UNCRC

JH noted positive progress in the decision by Scottish Government not to create a new Police Power to stop and search children and young people for alcohol. However, the situation will be re-assessed after the Code of Practice has been in force for 12 months (with an interim assessment after 6 months, during which time a range of further evidence will be gathered). She also noted that the SG are consulting with a small number of key stakeholders on a potential revision to its guidance on religious observance, following the legal challenge by the Humanist Society Scotland. The consultation period runs until 24 February.

Also of positive note was the commitment to carry out a CRWIA on the delivery plan for taking forward Equally Safe, Scotland's Strategy for Preventing and Eradicating Violence against Women and Girls, and JH reiterated the support that Together was able to give on this. The timetable for progressing the change of Scotland's minimum age of criminal responsibility cannot be confirmed at this moment. JH also enquired about the publication date of the Disability Action Plan that was scheduled for Autumn.

Action: GS to reply to JH regarding the Disability Action Plan publication date.

Consultation on information-sharing

FJ also enquired about whether children were involved in the consultation on information-sharing that was outlined by Scottish Government in its update paper. Together had previously been advised that children under 12 would not be involved. JH stressed that the involvement of younger children

was extremely important in terms of assessing the impact of proposals on children's rights. Children's views were sought on the CYP(S) Bill through the Children's Parliament's 'How Does Our Garden Grow' project. This could be revisited by Scottish Government to inform deliberations.