



## Draft Strategic Police Priorities for Scotland

Deadline: 16<sup>th</sup> August 2016

**Summary:** We welcome the overarching themes of the Strategic Police Priorities (SPPs), particularly the prior engagement process undertaken with young people through the Young Scot / Police Scotland Advisory Panel and reference to partnership with schools through the priority of Localism. To aid full consideration of the rights of children and young people, in line with the duties on Ministers and public bodies in relation to Part 1 of the Children and Young People (Scotland) Act 2014, two main suggestions are made; 1) To include an additional theme of 'culture' which provides strategic direction to a continued culture change in which human rights are embedded across police services, and 2) To undertake a more thorough child rights and wellbeing impact assessment (CWRIA) which looks at other equality characteristics in relation to children and young people beyond age.

### **1. Do the revised Strategic Police Priorities sum up your ambitions for your police service? – No**

The draft Strategic Police Priorities set out welcome and laudable expectations that communities can have for Scotland's police services. However, further consideration needs to be given as to how the SPPs can encapsulate the role that police play in respecting, protecting and fulfilling children and young people's human rights, and how children and young people would expect the police to do this. Such considerations would support Police Scotland in fulfilling its duty under the Children & Young People (Scotland) Act 2014 to report on steps taken to secure better or further effect of the UN Convention on the Rights of the Child (UNCRC).<sup>1</sup>

At a strategic level, there is a need to prioritise a continued culture change that ensures the police have the skills, knowledge and understanding to take forward a human rights approach across all areas of work. This need has been recognised by Police Scotland, and reflected through a commitment in Scotland's National Action Plan for Human Rights (SNAP) to 'embed human rights into the structures and culture of policing'<sup>2</sup>. It has recently been demonstrated within Police Scotland's revised Code of Ethics, which includes a commitment to 'ensure my actions and policing operations respect the human rights of all people and officers whilst understanding that I will also enjoy these same human rights'<sup>3</sup>. The SPPs provide an opportunity to articulate the need to

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<sup>1</sup> <http://www.legislation.gov.uk/asp/2014/8/section/2/enacted>

<sup>2</sup> <http://www.scottishhumanrights.com/application/resources/documents/SNAP/SNAPpdfWeb.pdf>

<sup>3</sup> <http://www.scotland.police.uk/about-us/code-of-ethics-for-policing-in-scotland/>

prioritise a human rights approach to policing. This would support existing initiatives to develop the human rights culture of the police and encourage the development of new work.

As such, Together suggests that an additional theme of 'culture' should be introduced to the SPPs, with a priority to 'embed human rights into the structures and culture of policing'. This would be a cross-cutting priority which would reinforce all other SPPs as well as adding a specific focus on prioritising a human rights approach to communication and building relationships with local communities, including children and young people.

Children and young people have specifically highlighted that they would like to build better relationships with the police. A common theme throughout research in this area is a desire for children and young people to have more opportunity to talk and interact with police in non-punitive ways and to tackle the perceived stereotyping of groups of young people<sup>4</sup>.

A consultation carried out by Children's Parliament revealed that children can feel negative about their interactions with the police when they don't feel like they are believed, or the police have not been fully briefed regarding situations involving children and young people<sup>5</sup>. Children feel most positive about their interactions with the police when they feel listened to (in line with Article 12 of the UNCRC<sup>6</sup>) and when the police are skilled at working with children<sup>7</sup>. As recently as 2013, a survey showed that only half (54%) of children and young people felt safe and supported by the police. Studies such as Deuchar (2010) report the experiences of young men aged 14 to 19 in Glasgow who feel they are subject to intense and unnecessary surveillance by the police and other agencies resulting in feeling oppressed and marginalised within their local communities<sup>8</sup>.

Children and young people have highlighted the importance having time to meet and speak to Police Officers as much as possible<sup>9</sup>. They called for more events which enable the police and children to participate together. In terms of a culture change, they have called for the police to engage positively with children and young people in public places and spaces. They have also highlighted the importance of changing the way in which some Police Officers engage with children, with improved communication and less intimidating body language<sup>10</sup>.

Including the theme of 'culture' and prioritising human rights in policing would help to ensure broad strategic direction that addresses these concerns. It would underpin the other SPPs and ensure localism, prevention, effective response, collaborative working, accountability and adaptability in the

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<sup>4</sup> Children's Parliament (2010). Lothian & Borders Police Youth Strategy: Hearing the views of children, <http://www.childrensparliament.org.uk/new-assets/police-youth/cp-police-report.pdf>; See also Elsley, S. *et al.* (2013). Children and young people's experiences of, and views on, issues relating to the implementation of the United Nations Convention on the Rights of the Child, <http://www.gov.scot/Resource/0042/00427287.pdf>

<sup>5</sup> Children's Parliament (2010). Lothian & Borders Police Youth Strategy: Hearing the views of children, <http://www.childrensparliament.org.uk/new-assets/police-youth/cp-police-report.pdf>

<sup>6</sup> See <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

<sup>7</sup> Recognising the UNCRC concept of the 'evolving capacities' of the child. This recognises that as children grow up and develop, there is a diminishing need for protection and a greater capacity to take responsibility for decisions affecting their lives.

<sup>8</sup> Elsley, S. *et al.* (2013). Children and young people's experiences of, and views on, issues relating to the implementation of the United Nations Convention on the Rights of the Child, <http://www.gov.scot/Resource/0042/00427287.pdf>

<sup>9</sup> *Ibid.*

<sup>10</sup> Children's Parliament (2010). Lothian & Borders Police Youth Strategy: Hearing the views of children, <http://www.childrensparliament.org.uk/new-assets/police-youth/cp-police-report.pdf>

planning and delivery of policing. A 'culture' theme would highlight the importance of ensuring that those interacting with children and young people in a policing capacity across Scotland have the skills, knowledge and understanding needed to achieve the SPPs. Furthermore, it would reinforce the priority of 'accountability' and ensure that Police Scotland and the SPA can be adequately held to account in upholding children's human rights.

In taking forward a 'culture' theme, it would be essential that the Scottish Government's Common Core<sup>11</sup> becomes central to the planning of police services across Scotland. The Common Core aims to build a competent workforce which promotes and protects child wellbeing at a strategic and operational level. It supports the development of a workforce which understands the impact of interactions on children and young people and highlights the importance of being self-aware, empathetic, non-judgemental and grasping positive body language.

Encouraging Police Scotland and the SPA to make extensive use of the Common Core would ensure that policing across Scotland better takes account of the rights of children and young people and meets their identified needs.

Sufficient training of the characteristics within the Common Core will ensure the adoption of an appropriate non-judgemental and empathetic attitude in policing strategies that is conducive to the identification of strengths within individuals and communities. The Common Core is explicitly cross-referenced to the guiding principles of the UNCRC which highlights the fact that observing and promoting the Articles enshrined in the UNCRC need not be complicated and that it is fundamental to all work with children and young people.

## **2. Do the revised Strategic Police Priorities reflect the needs of your local community or the communities you serve?**

See previous and subsequent comments on children's rights and localism.

## **3. Do you have anything to add to our impact assessments? - Yes**

It is essential that the CRWIA is used as a tool to inform and develop the SPPs. It is unclear from the existing partial EQIA/CRWIA how the learning from the assessment has been used to inform the SPPs. For example, whilst the EQIA/CRWIA refers to the importance of Youth Work as a vehicle for informal police interaction with young people, this is not reflected within the SPPs (which only refer to schools and education).

The existing partial EQIA/CRWIA assesses characteristics such as disability, race and sexuality against the impact on adults. However, this assessment should also include children and young people if the SPPs are to successfully uphold children's human rights. A full CRWIA needs to be undertaken which addresses the impact the SPPs may have on intersectional groups of children and young people. For example:

### Children with a disability

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<sup>11</sup> <http://www.gov.scot/Publications/2012/06/5565>

The 2014 UK Periodic Report<sup>12</sup> refers to the Social Care (Self-directed Support) (Scotland) Act 2013<sup>13</sup> as a means of furthering children's rights by ensuring that local authorities seek and have regard to the views of children<sup>14</sup>. Disabled young people highlight the importance that professionals in public-facing roles (including the police) are given training to ensure that they are more sensitive to the needs of, for example, autistic children. Disabled children and young people with complex needs have associated a lack of training and understanding with unnecessary confrontation and inappropriate decisions made by officials<sup>15</sup>. An SPP focussing on 'culture' would give a broader strategic direction to ensuring that training for officials working with children includes the development of skills and competencies to support the needs of disabled children.

#### Children affected by domestic abuse

Reported incidents of domestic abuse to the police have risen gradually from 51,926 incidents in 2009-10<sup>16</sup> to 60,080 in 2012-13<sup>17</sup>. Although there is no national estimate of children experiencing domestic abuse, children living with domestic abuse are over-represented in referrals to children and family social work teams, represent up to two-thirds of cases seen at child protection conferences and comprise a significant proportion of those referred to the Children's Hearings system<sup>18</sup>. Domestic abuse is also a common factor in the lives of many looked after children<sup>19</sup>. Domestic abuse and its effect on children is an incredibly complex issue and as such, it is important that it is built into the CRWIA and addressed by professionals and officials who are competent in dealing with such issues. This would also help to support the necessary culture change needed, as identified in Priority One of Equally Safe, the Scottish Government's strategy for preventing and eradicating violence against women and girls<sup>20</sup>. In this, the Scottish Government is clear that 'Leadership in key organisations and agencies will be crucial in helping to develop positive cultures and behaviours around violence against women'<sup>21</sup>. Again, this will strengthen the case for an SPP focussing on 'culture'.

#### Looked after children

The inclusion of Corporate Parenting roles in the partial CRWIA are welcome but this must take an elevated position throughout the SPPs if they are to be underpinned by children's rights. Under Part 9 of the Children and Young People (Scotland) Act 2014<sup>22</sup>, the chief constable of the Police Service of

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<sup>12</sup> UK Government (2014). The Fifth Periodic Report to the UN Committee on the Rights of the Child. [http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/GBR/CRC\\_C\\_GBR\\_5\\_6749\\_E.docx](http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/GBR/CRC_C_GBR_5_6749_E.docx)

<sup>13</sup> [http://www.legislation.gov.uk/asp/2013/1/pdfs/asp\\_20130001\\_en.pdf](http://www.legislation.gov.uk/asp/2013/1/pdfs/asp_20130001_en.pdf)

<sup>14</sup> Together (2015). NGO alternative report to the Committee on the Rights of the Child. [http://togetherscotland.org.uk/pdfs/UNCRC\\_Scotland\\_NGO\\_Alternative\\_Report\\_2015.pdf](http://togetherscotland.org.uk/pdfs/UNCRC_Scotland_NGO_Alternative_Report_2015.pdf)

<sup>15</sup> Ibid.

<sup>16</sup> Scottish Government (2013). Domestic Abuse Recorded by Police in Scotland 2012-13. <http://www.gov.scot/Resource/0043/00435586.pdf>

<sup>17</sup> Scottish Government (2013). Statistical Bulletin: Crime and Justice Series. <http://www.gov.scot/Topics/People/Equality/violence-women/Key-Facts>

<sup>18</sup> Scottish Justice Matters (2014). Living It: Children, young people and justice. [http://scottishjusticematters.com/wpcontent/uploads/Pages-from-SJM\\_2\\_3\\_Nov2014-YPandDomesticAbuse.pdf](http://scottishjusticematters.com/wpcontent/uploads/Pages-from-SJM_2_3_Nov2014-YPandDomesticAbuse.pdf)

<sup>19</sup> Ibid.

<sup>20</sup> Scottish Government (2014). Equally Safe, the Scottish Government's strategy for preventing and eradicating violence against women and girls, <http://www.gov.scot/Resource/0045/00454152.pdf>

<sup>21</sup> Ibid, p. 24

<sup>22</sup> <http://www.gov.scot/Resource/0048/00483676.pdf>

Scotland and the SPA are considered Corporate Parents and as such the appropriate resources should be made available for the sufficient child rights training of representative officials. Outcomes for looked after children are some of the poorest in society, in particular involvement in the criminal justice system; effective training of Corporate Parents can divert these vulnerable groups away from the criminal justice system<sup>23</sup>.

#### Gypsy/Traveller children and young people

Young Gypsy/Travellers are increasingly affected by the negative stereotyping by the mainstream media, particularly in relation to allegations of crime. Although there is strong evidence to the contrary<sup>24</sup> the Equality and Human Rights Commission states that 'the suspicion with which Travellers are regarded means they are likely to be reported by neighbours or targeted unfairly by the police.'<sup>25</sup> Given these circumstances, it is essential that the impact of the SPPs on Gypsy/Travellers is taken into account in the CRWIA/EQIA and opportunities identified through which the SPPs can help to uphold and further the rights of Gypsy/Traveller children and young people.

#### Young Carers

In a study by Article 12 in Scotland of children and young people, participants felt that the police could do more to understand young people, young carers and the important role they play within their family. One young person stated, '[we want] the right to a police service that doesn't turn a blind eye.'<sup>26</sup> Some young people felt the police were not responsive enough if they reported a crime or if they needed help, others felt that they are not provided or updated with information after police have been involved with their family. The young carers felt that such issues breached Articles 15, 19, 31, 34 and 39 of the UNCRC<sup>27</sup>. Such issues should be incorporated into the new SPPs and in the CRWIA.

Other groups of vulnerable children and young people who should be considered in a full CRWIA are LGBTi children and young people, who report that they are particularly affected by hate crime<sup>28</sup> and; Black and ethnic minority children and young people, who are being disproportionately impacted on by current Counter Terrorism measures such the Prevent Strategy<sup>29</sup>.

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<sup>23</sup> Barnardo's Scotland (2015). Overseen but often overlooked. Children and young people 'looked after at home' in Scotland, [http://www.barnardos.org.uk/17187\\_su\\_scot\\_overseen\\_but\\_overlooked.pdf](http://www.barnardos.org.uk/17187_su_scot_overseen_but_overlooked.pdf)

<sup>24</sup> Article 12 in Scotland (2015). I Witness: The UNCRC in Scotland, Young People's Voices, [http://www.article12.org/wp-content/uploads/2015/06/IWitness2015theUNCRCinScotland\\_YoungPeoplesVoices.pdf](http://www.article12.org/wp-content/uploads/2015/06/IWitness2015theUNCRCinScotland_YoungPeoplesVoices.pdf)

<sup>25</sup> Ibid, p. 78.

<sup>26</sup> Ibid. p. 36.

<sup>27</sup> See <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

<sup>28</sup> LGBT Youth Scotland (2014). Life in Scotland for LGBT Young People: Safety. [https://www.lgbtyouth.org.uk/files/documents/LGBTYS\\_Life\\_-\\_Safety2c\\_final.pdf](https://www.lgbtyouth.org.uk/files/documents/LGBTYS_Life_-_Safety2c_final.pdf)

<sup>29</sup> See: UK Government (2015). Counter-Terrorism and Security Act 2015. See also roshni (2015) Exploiting, Exploited: A National Discussion on Radicalisation and Child Sexual Exploitation, <http://roshni.org.uk/wp-content/uploads/2013/12/Exploiting-Exploited-Final-Report.pdf>

The draft partial CRWIA includes a welcome list of UNCRC Articles under initial consideration. Essential to this list is also:

#### Article 31 – The right to leisure, play and culture

In a 2010 national consultation, the Children and Young People’s Commissioner for Scotland found a key emergent issue amongst children and young people was to be safe and respected in local communities<sup>30</sup>. We know that this is not always achieved. Disabled children and young people report not always feeling safe to go out in their local areas<sup>31</sup>, hate crime occurs across a range of groups including those with a disability and LGBTi children and young people<sup>32</sup>, and Young Scot’s Access All Areas project found a number of barriers for young people in ethnic minority, asylum seeker and faith communities including safety in local communities<sup>33</sup>. Children’s Parliament for the International Play Association undertook a consultation which found that younger children enjoyed having the opportunity to be imaginative and supported in outdoor play, while older children wanted to be able to meet their friends and socialise<sup>34</sup>. Play outdoors could be affected by factors such as feeling safe and not being able to play impacted on children’s well-being.

There are multiple barriers to play; groups such as LGBTi young people report that there are not enough spaces where they can safely socialise and be open about their sexual orientation and gender identity, and highlight the importance of welcoming youth groups and inclusive socialisation opportunities<sup>35</sup>. Consideration of Article 31 should take place when assessing the impact of the SPPs with particular reference to Localism.

#### Article 13 and 15 – Freedom of expression and freedom of association

Children report feeling significantly restricted and disempowered by dispersal powers, including orders which disperse groups of two or more from designated public spaces<sup>36</sup>. A fear of violence and being frightened to go out has risen among 11-16 year olds<sup>37</sup> and LGBTi young people have particular concerns regarding their safety in public places<sup>38</sup>. Scottish Government acknowledges that ‘Mosquito’ devices can prevent children from enjoying freedom of movement and peaceful

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<sup>30</sup> Children and People’s Commissioner for Scotland (2010). A RIGHT Blether, <http://www.cypcs.org.uk/education/past-work/blether>

<sup>31</sup> Elsley, S. *et al.* (2013). Children and young people’s experiences of, and views on, issues relating to the implementation of the United Nations Convention on the Rights of the Child, <http://www.gov.scot/Resource/0042/00427287.pdf>

<sup>32</sup> LGBT Youth Scotland (2014). Life in Scotland for LGBT Young People: Safety. [https://www.lgbtyouth.org.uk/files/documents/LGBTYS\\_Life\\_-\\_Safety2c\\_final.pdf](https://www.lgbtyouth.org.uk/files/documents/LGBTYS_Life_-_Safety2c_final.pdf)

<sup>33</sup> See [http://www.scojec.org/memo/files/09i\\_young\\_scot.pdf](http://www.scojec.org/memo/files/09i_young_scot.pdf)

<sup>34</sup> Children’s Parliament (2011) ‘I’d play all night and all day if I could’: A report on children’s views on their right to play, <http://www.sol.co.uk/i/ipascotland/Right%20to%20play.pdf>

<sup>35</sup> LGBT Youth Scotland (2013). Life in Scotland for LGBT young people: Community and Identity. [https://www.lgbtyouth.org.uk/files/documents/Research\\_/LGBTYS\\_Life\\_-\\_Community\\_and\\_Identity\\_-\\_new\\_version.pdf](https://www.lgbtyouth.org.uk/files/documents/Research_/LGBTYS_Life_-_Community_and_Identity_-_new_version.pdf)

<sup>36</sup> Elsley, S. *et al.* (2013). Children and young people’s experiences of, and views on, issues relating to the implementation of the United Nations Convention on the Rights of the Child. <http://www.gov.scot/Resource/0042/00427287.pdf>

<sup>37</sup> YouthLink Scotland (2009). Being Young in Scotland. <http://www.youthlinkscotland.org/webs/245/file/Final%20BYIS%20Repor%28a%29.pdf>

<sup>38</sup> LGBT Youth Scotland (2014). Life in Scotland for LGBT Young People: Safety. [https://www.lgbtyouth.org.uk/files/documents/LGBTYS\\_Life\\_-\\_Safety2c\\_final.pdf](https://www.lgbtyouth.org.uk/files/documents/LGBTYS_Life_-_Safety2c_final.pdf)

assembly<sup>39</sup>. Children see punitive tools, such as ASBOs as an ineffective deterrent<sup>40</sup>, and instead would like to be able to talk and interact with police in non-punitive ways<sup>41</sup>. A consideration of Articles 13 and 15 should be included in a full child rights and wellbeing impact assessment of the SPPs.

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<sup>39</sup> Scottish Government (2009) Do The Right Thing. <http://www.gov.scot/Resource/Doc/282927/0085645.pdf>

<sup>40</sup> Scottish Government (2009). Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland - Volume 2: Evidence. <http://www.gov.scot/Resource/Doc/264336/0079224.pdf>

<sup>41</sup> Children's Parliament (2010). Lothian & Borders Police Youth Strategy: Hearing the views of children, <http://www.childrensparliament.org.uk/new-assets/police-youth/cp-police-report.pdf>