

Scottish Children's Rights Implementation Monitoring Group (SCRIMG)

Summary Briefing

Friday 26th June 2015, Victoria Quay / Attendees: Together, the Scottish Government, SCCYP

1. Matters arising

- Attendees continue to explore establishing a Ministerial Advisory Group on Children's Rights and Scottish Government (SG) agreed to provide a list of current advisory groups relating to children to further inform this. Together and SCCYP noted the timeliness of updating the SCRIMG Terms of Reference as the UK is being reviewed by the UN Committee, to ensure that there is a robust mechanism in place to take forward, monitor and evaluate implementation of the forthcoming 2016 Concluding Observations.

2. Key themes

Children & Young People (Scotland) Act

- SG confirmed that Ministerial duties in Part 1 of the CYP Act came into effect on 15 June 2015. The final Child Rights and Wellbeing Impact Assessment (CWRIA) to support commencement of the Part 1 duties has now been circulated internally across government departments.
- Together and SCCYP recommended that the CRWIA becomes widely available to all public bodies. SG confirmed an intention to make the CRWIA available more generally once the new model has had an opportunity to bed-in.
- Together and SCCYP stressed that Scotland needs an overarching strategy to support the Part 1 duties to promote awareness and understanding of the UNCRC and to seek children's views in all matters affecting them. They called for a strategic approach to connect and strengthen the work already taking place and to inform an action plan for the full implementation of all Part 1 duties. SCCYP recommended that the 2018 'Year of Young People' could provide a focus in the development of such a strategy.
- SCCYP proposed that children's views should inform content of the government Campaign for a Fair Society and called for further consideration as to how children might be best supported to access campaign materials through schools.
- SG confirmed that guidance will be developed for public bodies in relation to Part 1 (2) duties of the CYP Act. SCCYP called for these duties to be supported through systematic training for all practitioners and within all institutions, at the earliest opportunity of professional development.
- Together reiterated interest in supporting SG in further developing Section 96 guidance on the assessment of wellbeing. SG stated that final Statutory Guidance for this section will be issued in September 2015.
- Regarding information sharing duties (Section 26 of the Act), SG is working with stakeholders using a flexible approach, regarding what this section will look like in practice. Together suggested that a helpful project would be to assess the relationship and balance needed between the definition of wellbeing and the Data Protection Act, ECHR and UNCRC, to help address what the change in threshold means in practice. SCCYP pointed to the fact that Section 96 is currently being considered by the Court of Session and the judgment being awaited may change this landscape.

UN reporting to the UN Committee on the Rights of the Child

- Both SCCYP and Together confirmed that their NGO reports to the UN Committee were near completion and would be submitted on 1st July 2015.
- JH informed attendees that a joint UK non-government report to the UN Committee was not produced due to unforeseen difficulties. Together stated commitment to continue working with organisations across the UK to produce a common issues report in advance of the UN pre-sessional meeting in October 2015.

Criminal Justice Bill

- SCCYP confirmed a keenness to be involved in the debate on raising the age of criminal responsibility and to confront any reservations currently held by SG.
- JH emphasised an ongoing frustration that the government remains uncommitted to providing equal protection from violence for children in law.
- SCCYP welcomed the Whole Systems Approach included in the recently published Youth Justice Strategy and stressed consultation during development of such work would be welcomed in future.

3. Standing items: Optional Protocol 3 to the UNCRC

- Attendees agreed that there has been no movement on this issue.