

Minute of Scottish Children's Rights Implementation Monitoring Meeting Tuesday 12 April, Meeting Room 2-E(24), Victoria Quay

Attendees:

Boyd McAdam (Chair)	Getting it Right for Every Child, Scottish Government
Scott Wood	Children's Rights, Scottish Government
Elizabeth Morrison	Deputy Chair, Together Scotland
Juliet Harris	National Development Officer, Together Scotland
Tam Baillie	Scotland's Commissioner for Children & Young People
Stefan Stoyanov	Policy Officer, Office of Scotland's Commissioner for Children & Young People

Apologies:

Kelly Bayes	Chair, Together Scotland
Maire McCormack	Head of Policy, Office of Scotland's Commissioner for Children & Young People

1. Minutes of last meeting

The minutes were accepted as an accurate record of the meeting of 30 November. In response to the actions agreed at that meeting, Tam had written to Derek Feeley and Rory Mair to inform them of the role and remit of the SCRIM Group and was awaiting a response.

At the previous meeting of the Group, Boyd undertook to ascertain the position with regards to the participation of children in the drafting of the Scottish Government's report to the UN Committee on the Rights of People with Disabilities. This had yet to be clarified and Boyd agreed to offer a short written update in response to this action following the meeting.

Stefan had circulated to group members the previous correspondence between Tam Baillie and Kenny MacAskill, Cabinet Secretary for Justice, regarding the drafting of the optional protocol to the UNCRC to provide a communications procedure. This followed a request at the last meeting of the Group.

Action: Boyd to ascertain the position with regards to the participation of children in the drafting of the Scottish Government's report to the UN Committee on the Rights of People with Disabilities.

2. Matters Arising

a.) Training of Professionals

The group briefly discussed the actions being taken forward to identify and address the training needs of professionals in respect of the UNCRC. Scott noted the recent publication of a Scottish Government consultation focussing on the common core of skills, knowledge & understanding and values that should be common to everyone working with children. The purpose of the consultation was to both test the accuracy and appropriateness of the skills, knowledge & understanding which had been identified and to seek views on how we might act to implement the skills, knowledge & understanding and values which formed the common core. Whilst the common core had been developed to reflect the *Getting it right*

approach and the principles set out in the UNCRC, the group still felt that more explicit reference to the content of the Convention would be helpful. Both Elizabeth and Tam agreed to offer these comments as part of the formal consultation process which was due to end on 15 June 2011.

Juliet offered a brief update on the series of seminars which Together had recently undertaken with professionals. The seminars, of which there were 5, had involved more than 250 delegates and focussed on implementation of the UNCRC in areas where professionals held specific expertise. It was the intention that the outputs from these discussions would be fed into the "State of Children's Rights" report for 2011. A separate report detailing outputs from the seminars would also be made available shortly. Juliet agreed to share this with the group.

Action: Elizabeth and Tam to respond to the Scottish Government consultation on the core of skills, knowledge & understanding and values that should be common to everyone working with children.

Action: Juliet to circulate Together Scotland's winter seminar programme report.

b.) Incorporation of the UNCRC

Tam confirmed that a group consisting of representatives from a number of NGOs had now been established to consider incorporation of the UNCRC into Scots Law. The Group had met once, with discussion focussing on the potential approaches to incorporation which would be preferable. Tam was clear of the need for strong political appetite if incorporation was to be realised and suggested that a measure similar to that recently adopted in Wales may be one of the most appropriate ways to achieve the desired legislative changes. Scott agreed to participate in future meetings of the group.

Scott and Tam had recently visited counterparts in Wales to learn more about their approach to incorporation. The Welsh Assembly unanimously passed the Rights of Children and Young Persons (Wales) Measure on 18 January 2011. It would place a duty upon Welsh Ministers to have due regard to the rights and obligations in the United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols when making any decisions relating to policy or legislation from 1 May 2012 and, from 1 May 2014, when exercising any of their functions. Both Scott and Boyd recognised the importance of learning from the experiences of other administrations and noted the likely need to advise incoming Ministers on a range of UNCRC implementation issues, including incorporation, after the election.

c.) Child Rights Impact Assessments

Scott confirmed that consideration was currently being given to the feasibility of a trial of child rights impact assessments within the Scottish Government. As part of this work, discussions were being undertaken with colleagues with responsibility for Equality Impact Assessments in an effort to identify whether there was potential to streamline and perhaps overlap both processes. Scott would also shortly be meeting with colleagues from the office of Scotland's Commissioner for Children and Young People in order to ensure that the wider work being undertaken around child rights impact assessments was being used to inform developments within Government.

d.) Optional Protocol

Scott confirmed that the optional protocol to the UNCRC to provide a communications procedure had now been agreed by the working group tasked with its development. The

Protocol provides for individual communications to be made to the Committee by, or on behalf of, an individual or group of individuals claiming to be victims of a violation of their rights under the UNCRC and its optional protocols. The Protocol no longer makes provision for the Committee to consider collective communications, a position supported by the Scottish Government. Had the collective communications provisions been retained, Scottish Ministers would have held serious reservations around the potential for communications to have been made to the Committee in instances where no specified victim(s) had been identified and no domestic remedy previously exhausted.

Other group members raised concerns regarding the lack of provision for collective communications and noted their intention to set these out in writing to the Scottish Government and the Human Rights Council.

3. Theme – UNCRC General Principles

a.) Challenging Negative Perceptions of Children and Young People

Scott offered a brief update on the work being undertaken within Government to address negative portrayals of young people. A detailed breakdown of activity had been included in the written update circulated in advance of the discussion.

The group noted that, whilst significant work was being undertaken across Government to address negative perceptions, there was currently a lack of coherence in terms of the various strands of activity being taken forward. Boyd confirmed that the Young People team would continue to work with colleagues throughout Government to challenge negative perceptions of young people. A new member of staff would shortly be taking up post within the team to assist with this work.

Tam talked briefly about the outputs from the recently completed “Right Blether” national consultation exercise with children and young people. Over 70,000 consultation responses were received as part of the exercise, with over 1,800 “Right Brilliant Things” having been identified by the children involved. The national consultation aimed to capture and utilise the views, ideas and advice offered by children and young people to inform a section of Scotland's Commissioner for Children and Young People's work plan 2011 – 2015. The exercise had also sought to raise awareness and understanding of Children's Rights - and specifically the United Nations Convention on the Rights of the Child.

b.) Non-Discrimination, including Gypsy/Traveller children & young people

Scott offered a brief update on the progress with the suite of actions set out in section 4 of “Do the Right Thing”. Again, a detailed breakdown of activity had been included in the written update and circulated in advance of the discussion.

Scott confirmed that significant activity continued to be taken forward in partnership with Article 12 in Scotland throughout 2011-12. The two key strands of this work were:

- A positive images campaign (designed by young Gypsy/Travellers and delivered via various forms of media) promoting the history, traditions and culture of the Gypsy/Traveller community.

- The creation of networks of young Gypsy/Travellers equipped with the skills necessary to engage in decision making processes related to current and future long term and transit sites and other accommodation for Gypsy/Travellers.

The Government was also supporting Article 12's Young Gypsy/Traveller Lives project to "skill up" a cohort of young Gypsies/Travellers to address issues of prejudice and discrimination and had identified a further £50,000 of funding in 2011-12 to enable the continuation of the Scottish Traveller Education Project's (STEP) work in creating a virtual learning environment for young Gypsies/Travellers.

Finally, funding of £80,000 had been identified to support the development of new and existing halting sites, particularly in the north east.

Stefan had asked whether work was yet underway to review the Scottish Government guidance on site management for local authorities. Scott agreed to provide a written update in response to this point following the meeting.

Juliet confirmed that Together Scotland had prepared a report for Council of Europe representatives from the committee of the Framework Convention on National Minorities. This included information about Gypsy/Traveller children, with particular focus being placed on media attitudes, inequality in access to education and health and bullying. All of these issues had previously been raised in the 2010 "State of Children's Rights" report.

Action: Scott agreed to provide a written update on progress with the review of the Scottish Government guidance on Gypsy/Traveller site management for local authorities.

4. Discussion of Updates, including Scottish Government Structure

Boyd offered a brief update around the ongoing re-structuring of the Scottish Government, confirming that a new Unit had been established within Children's Rights & Wellbeing Division (formerly Safer Children, Stronger Families). The Unit, being led by Boyd, would consist of those teams with responsibility for children's rights, *Getting it right for every child*, services for disabled children and policy for young people (including youthwork).

Two new senior policy posts had been created to co-ordinate activity in relation to services for disabled children and young people, with the later focussing on the promotion of positive perceptions of children and young people as a key strand of activity. A further post would shortly be established to oversee the work being taken forward in both of these areas as well as activity focussed on children's rights. It was hoped that the new structure would be fully operational in early summer.

Juliet confirmed that work would shortly commence to gather the evidence which would underpin the next "State of Children's Rights" report. It was expected that the report would be available for publication in September and that the Group would have an opportunity to consider any findings shortly thereafter.

Tam confirmed that work was underway to finalise the content of the Strategic Plan 2011-2015 for the Office of the Children's Commissioner, with a view to the plan being laid before parliament immediately following the upcoming election. The content of the plan would be

partly shaped by the findings of “a Right Blether” and the subsequent commitments to action that were set out by Tam in response. The key findings were as follows:

- Children asked that the Commissioner work to help them be safe and secure in their home. In response, the Commissioner committed to promoting early intervention and prevention of child abuse.
- Children asked that the Commissioner help them to have the same chances, no matter how much money their families have. In response, the Commissioner committed to campaigning for more equitable access to opportunities for learning in formal and informal settings.
- Children asked that the Commissioner help them to feel safe and respected. In response, the Commissioner committed to challenging prejudice and negative imaging of children and young people in our society.
- Children asked that the Commissioner help everyone to include each other, no matter how different we all are. In response, the Commissioner committed to the promotion of a better understanding, awareness and response to disabled children and young people.

Tam also confirmed that further work would be undertaken to consult particularly young children as part of his programme of activity over the coming period.

5. Date and Theme of Next Meeting

The group agreed that the next meeting would be scheduled for late September. Juliet agreed to Together Scotland hosting and chairing the meeting.

**Scottish Government
May 2011**