

Scottish Children's Rights Implementation Monitoring Group

Wednesday 23rd November 2011

Scottish Government, Victoria Quay, Edinburgh

2.00pm – 4.00pm

Attended:

Tam Baillie - SCCYP

Juliet Harris - Together

Nico Juetten – SCCYP

Boyd McAdam – Scottish Government

Elizabeth Morrison (Chair) - Together

Gita Sharkey – Scottish Government

Stefan Stoyanov – SCCYP

Scott Wood – Scottish Government

Attended for part 6 of meeting only:

Isabella De Wit – Scottish Government

Elisabeth Sloan – Scottish Government

1. Introduction

2. Revised Terms of Reference

A revised Terms of Reference was tabled by Together and SCCYP to reflect areas where improvements to the management and accountability of the group could be made.

It was agreed that:

- All meetings should take place at Victoria Quay;
- Others carrying briefs for issues being discussed at the meeting should be invited to attend;
- The rolling secretariat is not effective and that one organisation should provide the secretariat on an annual basis;
- Meetings should be held 'at least' twice a year.

The Terms of Reference were approved subject to the above changes.

- **Action:** *Together and SCCYP to agree who has capacity to deliver first year of secretariat for SCRIMG. TB agreed to check options for his office to provide secretariat.*

- **Action:** Together to amend the Terms of Reference as agreed and recirculate to group members.

3. Minutes of the meeting of 12th April 2011 for approval

In future, minutes must contain page numbers. The minutes to the meeting of 12th April 2011 were approved by BMcA and seconded by JH.

4. Review of actions in minutes of 12th April 2011

4.1. Letters to Derek Feeley (NHS Scotland) & Rory Mair (COSLA)

Derek Feeley had responded to TB's letter informing him of the role of the SCRIM Group. He agreed that the Scottish Government should feedback discussions from SCRIM to him. Rory Mair has not responded.

4.2. Update on UNCRPD

BMcA confirmed that the Scottish Government did not engage with children and young people in the drafting of the report to the UNCRPD. The Scottish Government recognises the need to better engage with children and young people and will be taking this into account in the future.

SCCYP informed that because of a lack of capacity it will not be submitting a report to the UNCRPD.

4.3. Scottish Government guidance on Gypsy/Traveller site management

The review of the Scottish Government guidance on Gypsy/Traveller site management for local authorities has begun and will take place in two phases: The first is to revise and tighten existing guidance and the second stage is to undertake a more in-depth consultation to ensure that the guidance is robust.

- **Action:** SW to provide written update at next SCRIM meeting.

4.4. Child Rights Impact Assessments

In light of the consultation on the Rights of Children and Young People bill, the Scottish Government will now include its work on Child Rights Impact Assessments as part of this process. They will be sharing thinking with the Department for Education (UK Government) and Welsh Assembly Government and considering how impact assessments can be streamlined. Consideration will be given to how Child Rights Impact Assessments should be linked to Scottish Government staff training and skills development.

4.5. Third Optional Protocol

The UN General Assembly has now adopted the Third Optional Protocol by consensus.

- **Action:** *Together and SCCYP to draft letter to urge the Scottish Government to support the UK Government in signing up to the OP.*

4.6. Scottish Government Young Persons team

- **Action:** *Scottish Government to arrange induction for Gita Sharkey and Jan Murray with Together and SCCYP.*

5. **Key Question to Scottish Government:** *What opportunities do the Rights of Children & Young People and Children's Services bills offer that will improve the implementation of the UNCRC across local authorities and professions?*

Scottish Government response

A new staff team has been appointed within the Scottish Government to oversee both the Rights of Children and Young People bill and the Children's Services bill.

The Rights bill focuses on Scottish Minister's functions and should impact on frontline services for children and young people through a 'trickle down' effect. It will ensure that provisions in future legislation reflects the UNCRC so where future legislation includes duties that apply to public bodies, they will reflect the principles of the UNCRC.

The Scottish Government's consultation events showed that:

- Delegates were generally happy with the Scottish Government's commitment to pay due regard to the UNCRC. However, where concerns were raised it was not possible to know about whether this related to the strength of the due regard duty or its scope;
- There was a mixed reception to the proposal to extend the bill to young people under 21 who have been looked after;
- Delegates wanted to see more regular reporting to Parliament.

Responses to the consultation on the Rights bill are due in by 1st December. The Scottish Government is obliged to publish the responses within 3 weeks.

The Scottish Government has commissioned a GIRFEC/UNCRC mapping exercise. The Children's Services bill will embed the GIRFEC approach.

SCCYP

SCCYP welcomes the Rights bill and noted that it is too early to make comment on the Children's Services bill. SCCYP has identified a number of areas where the Rights bill could be improved:

- Relooking at paragraph 73 in the consultation paper in which the Scottish Government state their reasons for not incorporating the UNCRC;
- Taking into account the UN Committee's General Comments as per the Welsh measure;

- Showing clearly how the Scottish Government intends to show adherence to the bill, being as transparent and robust as possible;
- Looking at how the Scottish Government could promote wider awareness and knowledge of the UNCRC, particularly in terms of frontline work with children and young people and that satisfies Article 42;
- Including a power to amend legislation and undertake an audit of existing legislation.

Together

Together had held a number of seminars with children's organisations with the final event taking place in Aberdeen on 24th November. To date, the key theme identified at the seminars has been the need for the UNCRC to be incorporated into Scots law to ensure all children are able to realise their rights. In the absence of incorporation, Together's members have stated that:

- The duty should be extended include public bodies;
- There must be a means of redress for children facing violations of their rights;
- The reporting process must be strengthened to better evidence the impact of the duty on children's rights in Scotland;
- There needs to be included a clear process to evidence compliance with the UNCRC;
- The bill must include a duty to promote knowledge and understanding;
- The duty should be extended to include General Comments.

Discussion

TB stated he was interested to see what response public bodies make to the consultation.

6. Key Theme: Special protection measures

6.1. Child trafficking

SS stated that it was time for the Scottish Government and other agencies to start taking action in response to SCCYP's Child Trafficking report (launched in March 2011). Scotland is not part of the UK action plan. It is important that the Scottish Government creates a joint UK approach or a Scotland-specific action plan. TB has met with the Minister for Children & Young People and ES regarding the issue.

The Scottish Government informed that it has approached the Child Protection Forum to set up a small group to look at Child Trafficking. The Scottish Government is mapping child protection at all levels and hopes to include child trafficking in this exercise. The Justice Minister wrote to the UK Government to express disappointment that the Scottish Government would not be involved in the UK action plan.

A number of next steps have been identified.

- **Action:** *SCCYP, the Justice Directorate and Child Protection should meet regarding Child Trafficking.*
- **Action:** *TB agreed to write to ES as part of the follow up to the meeting to outline SCCYP's recommendations around child trafficking in more detail.*
- **Action:** *The Scottish Government must: formally respond in detail to the recommendations made in SCCYP's child trafficking report;. look at developing/contributing to a child trafficking action plan; put SCCYP recommendations on the agenda for meeting with child protection heads.*

6.2. Age assessment of asylum seeking children

IdW stated that the Scottish Government is keen to ensure a consistent approach to the age assessment of asylum seeking children. At the last SASF (Scottish Asylum Stakeholder Forum) meeting, a working group agreed to liaise with UKBA (UK Border Agency) to bring forward the Scottish Refugee Council's proposal. The main issue to address is that of information sharing and agreement needs to be found with local authorities and COSLA. The Scottish Government would agree to share a protocol more widely if it were to be agreed between COSLA and Glasgow City Council.

Work on an age assessment tool has been put on hold until a court case has been resolved. SCCYP is committed to supporting this process.

6.3. Guardianship

SS and IdW attended a project advisory meeting last week on guardianship. Certain agencies are putting forward views about specifically excluding young trafficked children from the guardianship project. The Scottish Government stated that it is supportive of the project including young trafficked children.

- **Action:** *TB to write to the Scottish Government to outline SCCYP's concerns around proposals to exclude young trafficked children from the guardianship project.*

6.4. Children of Prisoners

SCCYP has published a review of its 2008 Children of Prisoners report. It is grouped into four key themes:

- The rights of children in criminal justice debates
- The rights of children in decision-making about parents who offend
- Support for children of prisoners
- Contact during parental imprisonment.

The recommendations identified in the report tie in with existing government agendas and SCCYP would like to see sensible next steps involving a coming together of government departments.

- **Action:** *The Scottish Government children's rights team should co-ordinate discussion between SCCYP and relevant Government policy leads to discuss next*

steps with progress recommendations set out in the report will assess progress on a case-by-case basis.

7. AOB

7.1. Scottish Government UNCRC interim report

The Scottish Government will be producing an interim report to 'Do the Right Thing'. This will provide an update on the initial action plan and will respond to Together's State of Children's Rights reports and SCCYP's midterm report. Consultation will begin in early 2012.

8. Date of next meeting

The next meeting is to be held at the end of March 2012.

- **Action:** *SCCYP to set date for next meeting.*

Summary of Actions	Responsibility	Progress
Guidance on Gypsy/Traveller site management		
SW to provide written update at next SCRIM meeting.	SW	
Third Optional Protocol		
Together and SCCYP to draft letter to urge the Scottish Government to support the UK Government in signing up to the OP.	JH/SS	
Scottish Government Young Persons Team		
Scottish Government to arrange induction for Gita Sharkey and Jan Murray with Together and SCCYP.	SW with JH/SS	
Child Trafficking		
SCCYP, the Justice Directorate and Child Protection should meet regarding Child Trafficking.	SS	A meeting request has been sent
TB agreed to write to ES to outline SCCYP's recommendations around child trafficking in more detail.	TB	A letter was sent to the new minister outlining our recommendations
Formally respond in detail to the recommendations made in SCCYP's child trafficking report. Look at developing/contributing to a child trafficking action plan. Put SCCYP recommendations on the agenda for meeting with child protection heads.	SW	
Guardianship		
TB to write to the Scottish Government to outline SCCYP's concerns around excluding young trafficked children from the guardianship project.	TB	
Children of Prisoners		
The Scottish Government should take the lead on taking forward the recommendations outlined in SCCYP's report.	SW	
SCCYP will assess progress on a case-by-case basis.	SS	
Date of Next Meeting		
SCCYP to set date for next meeting.	SCCYP	