For people who work with children or work on their behalf.

A response by the Scottish Government to the 2008 concluding observations from the UN Committee on the Rights of the Child.
Do the right thing

If you work with children or work on their behalf, to ensure they are safe, happy and healthy, then you are promoting and supporting their rights.

Children’s rights are relevant to everyone whose work impacts on children - including teachers, social workers, police officers, nurses, judges, town planners, GPs, Directors of local authority services, classroom assistants etc. All of these and more have an interest in ensuring that children are able to fully enjoy their right to play, their right to be healthy and happy, to learn new things and be looked after and nurtured whether they live at home or not. All of these are rights enshrined in the UN Convention on the Rights of the Child (UNCRC).

The UNCRC applies to everyone under 18. It is an international law that recognises that all children and young people have rights. There are 42 articles that describe specific rights and 4 of these are described as the underpinning principles of the UNCRC: non-discrimination (article 2); commitment to the best interests of the child (article 3); the right to life, survival and development (article 6); and respect for the views of the child (article 12). We, in the Scottish Government, have made clear our commitment to the UNCRC and to promoting and supporting the rights of all children in Scotland as a key strand of our activity to improve outcomes for all.
On 3 October 2008 the UN Committee on the Rights of the Child issued a series of recommendations (‘concluding observations’) setting out where they believed the UK was falling short of fully implementing the UNCRC. The majority of the recommendations are of relevance to Scotland.

The concluding observations make 142 separate recommendations that cover many aspects of children’s lives. The Scottish Government has committed to responding positively to these recommendations and there is already much work ongoing throughout government that addresses the issues raised by the Committee. We recognise that we will not be able to fulfil all the recommendations to their fullest extent immediately but the purpose of this document is to provide a list of priority actions that the Scottish Government will take in the short to medium term.

In recognising that there is still progress to be made, it is important to acknowledge the excellent work that goes on every day in Scotland to promote and support the rights of children. Within families, across all sectors and at all levels of children’s services there is a huge amount of commitment and enthusiasm for making sure the best interests of the child are paramount and ensuring the voices of children and young people are heard and taken account of. The outcome of this commitment is that the majority of Scotland’s children live happy, healthy lives and are well nurtured and cared for.

Adam Ingram
Minister for Children and Early Years
Introduction

The actions outlined in this document have been developed following consultation and all fit within the Government’s overall purpose to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

There were 3 strands to the consultation: a written consultation; a series of consultation events; and consultation activity with children and young people. We commissioned reports on each of these and from the information gathered, identified 21 areas which people agreed should be prioritised.

We are launching this plan on 1 September 2009 along with a detailed annex (covering our response to all the UN Committee’s recommendations) which will be made available on the Scottish Government website.

While this document outlines the action we are taking in specific areas, the Scottish Government has already taken decisive action that will further improve the rights of children and improve outcomes for children and young people in Scotland: we have announced our intention to raise the minimum age of prosecution from 8 to 12 through the Criminal Justice and Licensing (Scotland) Bill; we have introduced an NHS target to improve access to mental health services for young people; children and young people seeking asylum now have equal access to higher and further education in Scotland; and we have introduced legislation to end the remanding of under 16s in prison in Scotland. Actions to improve children’s rights contribute positively to the Government’s overall purpose. Beneath this purpose, the Concordat sets out shared objectives and shared responsibilities between local and central government for the delivery of better outcomes for the people of Scotland and provides a National Performance Framework with which to measure performance. There are 15 national outcomes that cover all aspects of devolved responsibility in Scotland. Successful delivery of each of these will impact positively on the lives of children and young people but six have particular relevance to the UNCRC. Below we have set out the relevant national outcomes and the UNCRC articles that relate to them. This Scottish Government response to the concluding observations is therefore aligned with the National Performance Framework:

- **We are better educated, more skilled and more successful, renowned for our research and innovation**
  - UNCRC articles 5, 13, 15, 17, 28, 29, 31, 32

- **Our young people are successful learners, confident individuals, effective contributors and responsible citizens**
  - UNCRC articles 5, 12-15, 17, 23, 28, 29, 31

- **Our children have the best start in life and are ready to succeed**
  - UNCRC articles 4-10, 18, 20, 21, 24, 26, 27, 31
We live longer, healthier lives
UNCRC articles 3, 11, 17, 19, 24, 25, 32-39

We have tackled the significant inequalities in Scottish society
UNCRC articles 2, 12-14, 22, 23, 27, 30

We have improved the life chances for children, young people and families at risk
UNCRC articles 6, 9, 11, 18-21, 25, 26, 33-37, 39, 40

Within the wider context of the Scottish Government’s purpose, we are working with partners in local government, the NHS, the voluntary and private sectors to implement a coherent and cohesive group of policies to alleviate poverty (Achieving our Potential), tackle health inequalities (Equally Well) and to shift the focus of services from crisis intervention to prevention, early identification and early intervention through a new Early Years Framework. We are also implementing a new Curriculum for Excellence in our schools which will ensure that all our children and young people develop the 4 capacities - to be successful learners, confident individuals, effective contributors and responsible citizens. The personalised, child-centred and multi-agency approach in Getting it Right for Every Child will be the key delivery mechanism at the core of these policy frameworks. The Getting it Right for Every Child programme has at its heart an ethos that respects the voice of the child and their best interests.

There is already a legislative basis for the underlying principles of the UNCRC in individual pieces of legislation, for example the Children (Scotland) Act 1995. In addition there is the Human Rights Act 1998 which gives further effect to the rights and freedoms guaranteed under the European Convention on Human Rights (ECHR), many of which are directly relevant to the UNCRC and which, of course, apply just as much to children and young people as they do to adults. It is worth noting that whilst the UNCRC does not have the same status in domestic law as the ECHR, it is nonetheless referred to by the European Court of Human Rights as a common standard accepted by all subscribers to the ECHR and is increasingly used to guide its interpretation.

The following pages give more detail on what the UN Committee and consultation respondents have commented on in each of these areas and set out specific actions the Scottish Government will take. We will work on the various actions in these areas over the next 5 years as we move towards the UK’s next report to the UN Committee due in January 2014. We will produce an interim progress report in 2011-12.

We hope you find the information in this publication of interest. If you have any comments or questions on Scottish Government activity related to UNCRC and children’s rights, please contact childrensrights@scotland.gsi.gov.uk.
**What is the action area?**

1. Ongoing monitoring of UNCRC in Scotland and development of UK-wide work

**What specific action will we take?**

- Take forward the priority areas for action identified in this document.
- Monitor and report on progress against each of these actions.
- Develop an interim report on implementation in Scotland for publication 2011-12.
- Consider how other sources/methods can be used for gathering relevant information and monitoring progress in a way that is consistent with the Scottish public sector context.
- Work with officials in the UK Government and Devolved Administrations to develop a UK-wide plan of action.
- Continue to contribute to the work commissioned by the Equality and Human Rights Commission to develop a series of indicators to inform a UK-wide children’s equality measurement framework, ensuring the Scottish context is understood and reflected.
- Represent Scottish interests at quarterly UK UNCRC meetings to help ensure regular monitoring and co-ordination of efforts to better implement the Convention.

**Why are we doing this?**

The UN Committee stated:

The Committee encourages the State party to adopt comprehensive plans of action for the implementation of the Convention in all parts of the State party, in cooperation with the public and private sectors involved in the promotion and protection of children’s rights and based on a child right approach... The Committee also recommends that the State party ensure adequate budget allocations and follow-up and evaluation mechanisms for the full implementation of the plans of action to regularly assess progress achieved and identify possible deficiencies. These plans should pay special attention to children belonging to the most vulnerable groups.
By committing to implement this action plan, the Scottish Government is making a clear statement that we support the provisions of the UN Convention on the Rights of the Child and want to be able to demonstrate progress on implementation in Scotland. We are also committed to working with the UK Government and other devolved administrations where this is appropriate to increase the effectiveness of our activity. We believe improving the rights of children in Scotland will ultimately improve outcomes for all children and young people, tackling the significant inequalities in Scottish society – **national outcome 7**.

**What was said in the consultation?**

There was strong support for a national action plan from both the written consultation and the events. This was identified as a priority in the summaries for both strands of the consultation. Although children and young people did not identify this as one of their priority areas, development and implementation of this plan will help to address many of their concerns.
What is the action area?

2 Promoting children’s rights in the Scottish Government

What specific action will we take?

- Continue to work with colleagues across government to highlight the links between children’s rights and key Scottish Government policies.
- Develop a network of children’s rights champions across Scottish Government.
- Look at the experience of those who have used the children’s rights impact assessment tool developed by Scotland’s Commissioner for Children and Young People (SCCYP) to help develop policy within the Scottish Government and consider whether/how we should adapt it to make it relevant and appropriate for wider use.
- Consider a trial of children’s rights impact assessment in a section of Scottish Government to see how it can help promote and develop a consideration of children’s rights in the policy making process.

Why are we doing this?

The UN Committee stated:

Child rights impact assessment should be regularly conducted to evaluate how the allocation of budget is proportionate to the realization of policy developments and the implementation of legislation.

Promoting the links between children’s rights and the current policy agenda will help to raise the profile of children’s rights and the UNCRC within the Scottish Government and beyond. Considering policies that affect children and young people through a children’s rights lens can help to ensure that the policies are developed with the best interests of children to the fore. Creating sound, evidence based policies for children and young people, with their best interests at their heart, ensures they have the best start in life and are ready to succeed – national outcome 5.
What was said in the consultation?

A number of respondents to the written consultation agreed that the Scottish Government should take proactive steps to use children’s rights impact assessments and other methods to mainstream consideration of children’s rights in the policy making process and in everyday practice. The consultation events also highlighted support for the ‘rights-proofing’ of legislation.

While the children and young people did not express a specific preference for the use of children’s rights impact assessments or other tools, the nature of their comments make clear that there are a number of areas where they feel current policies or practice do not reflect or promote their rights. These issues may be addressed by better taking account of children’s rights from the policy development stage. For example, the view was expressed that counselling services were condescending and age inappropriate. Another participant felt there should be more care units for young people.
What is the action area?

3. Promotion and awareness raising of UNCRC, including training of professionals who work with children

What specific action will we take?

- Conclude discussions with professional groups and internal colleagues to identify what training on UNCRC currently takes place and what gaps there are and publish the findings of that work.

- Take forward discussions with training providers and professional groups to see what changes/improvements can be made to current training arrangements.

- Work with professional groups to identify training materials and make these available online, e.g. current work with Learning and Teaching Scotland to support teaching on UNCRC in schools.

- Work with internal and external colleagues to develop information on children’s rights that will appeal to parents.

- Take forward the existing wide ranging programme of awareness raising activities, developed and agreed with partners.

- Ensure that we make links to human rights more broadly and to the European Convention on Human Rights in promotional materials and activities.

Why are we doing this?

- Work with local government colleagues to consider how they can help promote understanding and awareness of the UNCRC at a local level.

The UN Committee stated:

The Committee recommends that the State party further strengthen its efforts, to ensure that all of the provisions of the Convention are widely known and understood by adults and children alike.

It also recommends the reinforcement of adequate and systematic training of all professional groups working for and with children, in particular law enforcement officials, immigration officials, media, teachers, health personnel, social workers and personnel of childcare institutions.
Increasing awareness of children’s rights involves ensuring children and young people, parents and professionals have access to information about these rights and are able to recognise and respect them. Our aim is that children’s rights are seen as an integral and positive part of the care and support we give to children. Having a knowledge and understanding of your rights directly relates to the development of confident individuals, responsible citizens, effective contributors and successful learners – national outcome 4.

What was said in the consultation?

Respondents to the consultation in all 3 strands made clear that promotion and awareness raising was a fundamental building block to ensure better implementation of the UNCRC in Scotland. Written responses highlighted the fact that the Scottish Government should prioritise this action and that, for example, SCCYP and third sector organisations must also have a role. The importance of promotion and awareness was well described by a young person from one of the local investigation teams: If you’re aware of your rights, you’ll use them … that’s the best way to improve them. If they’re aware, they have to provide them.

Respondents also took the view that the Scottish Government needs to give more emphasis and direction to professional training. Most responses proposed that, if we are to take the UNCRC seriously, training needs to be mandatory rather than optional and must be for all professionals working with and for children, including senior managers. A need for parents to have a better understanding of children’s rights was also identified.

The Scottish Government acknowledges the call for mandatory UNCRC training for all relevant professionals but has no plans to introduce this. For some professional groups, e.g. judiciary, Scottish Government has no control over the training they receive. Groups that do have Scottish Government input, e.g. teachers, social workers – already have UNCRC as part of initial training. However, as outlined above we are keen to encourage, support and facilitate further activity wherever we can working with partners.
What specific action will we take?

→ Work within Scotland to promote the positive involvement and representation of children and young people in the media.

→ Implement the new antisocial behaviour framework Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland, which includes countering negative stereotypes and promoting positive role-models as one of its key strategic aims. Relevant National Actions include developing a community safety communications strategy, creating a Media and Communications Network (which includes the involvement of young people and organisations that work with them), and outlining a range of measures aimed at encouraging more people to act as role-models and mentors.

→ We will continue to support the Young Scot Active initiative whose goal is a Scotland where young people are more involved, informed and appreciated. One of the six key impacts it aims to achieve is a step-change in the public, media perception and image of young people, with young people and media partners involved in securing more positive and accurate perceptions.

→ Implement the partnership framework, Preventing Offending by Young People – A Framework for Action, which includes a commitment to challenge and change the misrepresentation of young people and offending, especially through the media. Work is currently underway with partners, to implement a number of media pilots across the country which will highlight the positive contribution that young people make to local areas.

→ Work with the UK Government and devolved administrations to take a UK-wide approach to promoting the positive involvement of children and young people in the media.

Why are we doing this?

The UN Committee stated:

The Committee recommends that the State party ensure full protection against discrimination on any grounds, including by ... taking urgent measures to address the intolerance and inappropriate characterisation of children, especially adolescents, within the society, including the media.
Promoting a positive, accurate and rounded image of children and young people will ensure that they are treated with the respect that we expect them to show to others. Mutual respect across age groups is a key feature of strong, resilient communities where people take responsibility for their own actions and how they affect others – national outcome 11.

**What was said in the consultation?**

Promoting a positive perception of children and young people was seen as a priority action across all 3 strands of the consultation. The focus was not just on media portrayals but also on relationships between adults and children and the assumptions made about children and young people because of their age.

In the written consultation summary it was noted that: “Respondents agreed on the high priority of national, multi agency campaigning action to counter the negative stereotyping of children and young people.” The event summary stated: “A focus on recognising success should be encouraged and more positive portrayals are needed.” This issue featured strongly in different guises in the consultation with children and young people. For example in the local investigation teams, they described feeling they were not respected or listened to by adults, they said that children, young people and adults should trust each other more and in a school setting that teachers should respect pupils and pupils respect teachers.
What is the action area?

Gypsy/Traveller children and young people

What specific action will we take?

- Fund Article 12 in Scotland (a young person led network that works to promote young people’s participation and information rights) to take forward development work with a group of Gypsy/Traveller children and young people over the next 2 years.

- Continue to fund for 2009-10 work with Gypsy/Traveller communities to support community development, including with children and young people.

- Look at how the ‘One Scotland’ campaign can address specific issues affecting Gypsy/Traveller communities.

- Fund the Scottish Traveller Education Programme (STEP) in 2009-10 to provide support and information on the education of Gypsy/Traveller children and young people to local authorities. This includes development of an e-learning tool and a review of joint guidance with Learning and Teaching Scotland and Her Majesty’s Inspectorate of Education on education provision.

Why are we doing this?

The UN Committee stated:

The Committee recommends that the State party ensure full protection against discrimination on any grounds, including by ... strengthening its awareness-raising and other preventive activities against discrimination and, if necessary, take affirmative actions for the benefit of vulnerable groups of children, such as: Roma and Irish Travellers’ children...

The Committee would like to highlight that an adequate standard of living is essential for the child’s physical, mental, spiritual, moral and social development and that child poverty also affects infant mortality rates, access to health and education as well as everyday quality of life of children. In accordance with article 27 of the Convention, the Committee recommends that the State party ... reintroduce a statutory duty on local authorities to provide safe and adequate sites for Travellers.
The Scottish Government recognises that Gypsy/Traveller children and young people face significant barriers in fully enjoying their rights. This can affect their access to education, health services, play and leisure opportunities and suitable amenities for their accommodation. Addressing these concerns will help to tackle the significant inequalities in Scottish society – national outcome 7 and help create a strong, fair and inclusive national identity – national outcome 13.

What was said in the consultation?

Respondents to the written consultation highlighted Gypsy/Traveller children and young people as being one example of groups who are particularly vulnerable to discrimination, educational exclusion and poor standards of accommodation. There was also concern about the accessibility of the Gypsy/Traveller virtual learning environment.

There was a suggestion from one respondent to set up a children and young people’s stakeholder group to advise and provide information on Gypsy/Traveller issues.

In the children and young people’s consultation strand, a local investigation team of young Gypsies/Travellers highlighted 5 issues as being most important to a group of their peers: the right to be who I want to be; the right to have fun; the right to a home of my own; the right to health care; the right to privacy.
What is the action area?

- Advocacy services for children and young people.

What specific action will we take?

- Continue to support the roll out of *Getting it Right for Every Child* which seeks to ensure an approach across services which puts the child at the centre of assessment, planning and decision making processes.

- Commission a national advocacy scoping exercise in summer 2009 to identify what gaps there are and how we might look to make improvements.

- Using that scoping exercise as a starting point, we will work across government and with external colleagues to agree priorities for advocacy and to prepare a national plan of action to improve the quality, consistency and availability of advocacy support.

- Scottish Ministers are under a new duty to secure the provision of an advocacy service to be available on request and free of charge to support parents and young people in Additional Support Needs Tribunal proceedings. Officials are currently developing proposals, details of which will be available late 2009.

Why are we doing this?

The UN Committee stated:

The Committee recommends that the State party ... promote, facilitate and implement, in legislation as well as in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child.

Ensuring that children are able to express their views in the full range of settings, is one of the fundamental principles of the UN Convention on the Rights of the Child. While there are many positive examples of this principle being promoted in Scottish life, more can be done. Appropriate support for children and young people to express their views can be provided in many ways: from parents, carers or other family members; social workers or other trusted workers; through Safeguards, legal representatives or independent advocacy services. Our actions in this area do not encompass the full range of advocacy support but they do aim to make improvements as having their voice heard is key to ensuring we have improved the life chances for children, young people and families at risk - national outcome 8 and to creating a strong, fair and inclusive national identity - national outcome 13.
What was said in the consultation?

Improving access to and training in advocacy were highlighted as priority issues throughout the consultation.

During the events and in the written consultation, the Government’s draft actions for advocacy were welcomed. One event participant mentioned the need for all workers to be trained to provide advocacy: “... children’s needs led, not service based and part of whole process ...”. In the written consultation, the Government’s actions on advocacy received the largest number of responses. There were responses that highlighted the practice of using Children’s Rights Officers as providers of independent advocacy from within a local authority. A number of responses stated that a right to advocacy should be enshrined in legislation, particularly for looked after children and children with disabilities.

Children and young people were particularly concerned about being able to get their views across in the full range of settings. Although principles of the child’s view being taken into account are well established both in legislation and in practice, children and young people described situations where they felt they were not fully involved in decision-making processes. One young person in the Young Scot focus groups described their involvement as “people sitting there telling you what to do with your life”. Another described her experience as “It’s not like they’re bad but … they don’t really tell you like what are your choices … they don’t tell you; you have a right to say no”. While experiences like this may not be wide spread, there is always room for improvement.
What are the action areas?

What specific action will we take?

- We will hold a pupil-led Eco-Schools conference in the Scottish Parliament on 5 October 2009 in which over 100 secondary schools have expressed an interest in participating. All activities are directed and carried out by the pupils as part of the Eco-Schools programme. To take part in the Eco-Schools programme a school must have an eco committee in place which is led by pupils.

- Continue to promote pupil leadership and engagement through a variety of means, including disseminating lessons from pupil leadership aspects of Schools of Ambition programme, Eco-Schools programme etc.

- Review our encouragement of pupil participation when considering the recommendations from the Children in Scotland/University of Edinburgh research into Pupil Councils in Scotland entitled ‘Having a Say At school’, due in autumn 2009.

Why are we doing this?

The UN Committee stated:

The Committee recommends that the State party, in accordance with article 12 of the Convention ... promote, facilitate and implement, in legislation as well as in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child.

The Committee recommends that the State party ... strengthen children’s participation in all matters of school, classroom and learning which affect them.

The Convention’s fundamental principle of respect for the views of the child is well integrated in Scottish legislation and policy. However, we recognise that more can be done to close the gap between policy and practice. Schools are a central part of the lives of children and young people and improving the quality of their participation in school makes a significant contribution to them becoming successful learners, confident individuals, effective contributors and responsible citizens - national outcome 4.
What was said in the consultation?

There was a discussion in the consultation events on the need for participation of children and young people to be ‘meaningful’. Children and young people described some of the problems with current participation models in schools. These included participation being ‘tokenistic’, e.g. involving head boys and girls in discussion but not a wider, more representative sample of pupils; not providing feedback on what difference their participation has made; not having the opportunity to comment on issues that really matter to them.

The Children’s Parliament local investigation team described the characteristics of good participation in a school:

Everyone has their say: 1. The school has a pupil booklet about rights and responsibilities to give to every child in the school; 2. The school has a suggestion box for ideas to improve the school; 3. At least once a year everyone gets together to have a discussion about the school community – everyone takes part including parents, the janitor, the cook, the teachers and the pupils; 4. The school makes opportunities for adults to see the pupils’ work; 5. Pupils have their voice heard on topics like spending money and picking books and games; 6. Teachers respect pupils and pupils respect teachers.

Written responses were positive about recent developments, e.g. Curriculum for Excellence in their potential for improving participation in schools. However, a key theme that emerged was the need for all children to be supported to participate. The difficulties experienced by children with disabilities and other children with additional needs were highlighted as being often marginalised in current participation models.
What is the action area?

- Mosquito devices

What specific action will we take?


- Consider next steps on the mosquito once examination of issues by officials is complete during summer 2009.

Why are we doing this?

The UN Committee stated:

The Committee recommends that the State party reconsider the ASBO as well as other measures such as the mosquito device insofar as they may violate the rights of children to freedom of movement and peaceful assembly, the enjoyment of which is essential for the children’s development and may only subject to very limited restrictions as enshrined in article 15 of the Convention.

While ASBOs have not been widely used in Scotland against under 16s, we recognise that the use of mosquito devices can prevent children and young people from enjoying freedom of movement and peaceful assembly. The indiscriminate use of the devices means that all young people are treated as a nuisance, regardless of their behaviour. This is not consistent with our desire to create strong supportive communities where people take responsibility for their own actions and how they effect others – national outcome 11.
What was said in the consultation?

Across all 3 strands of the consultation, concern was raised at the use of mosquito devices, with many calling for their prohibition. Particular concerns were raised about the health implications of the devices as well as the more general concern that they further alienate children and young people and exclude them from shared public spaces. The view was expressed that: “Children do better when they are integrated in the community rather than placed into safe zones or designated areas.”

Children and young people themselves made very similar points. Although there was not universal agreement that they should be banned, there was deep concern at their indiscriminate use: “Mosquito devices do not solve the problem, merely shift the problem. Other solutions need to be made”; “Socialising and friendship is all part of growing up”; “Use of mosquito devices can be successful but important to allow children to meet in places”; “Mosquito devices give me a headache, I can’t even go to the local shop for my mother without getting a headache. Is this the point of these devices? To stop children helping their mothers?”
What is the action area?
- Promoting positive forms of parenting

What specific action will we take?

- Work with partners at a local level to implement the Early Years Framework which will include the development of: a parental capacity building model for ante-natal and postnatal services; mutual support networks for parents and other carers; community development programmes including parenting and early years.

- Design and commission a social marketing campaign that supports parenting skills and promotes the value of parenting.

- Consider what further steps should be taken as a result of participants’ feedback from the Parenting Seminar in June 2009. The Parenting seminar progresses implementation of the Early Years Framework through a parenting perspective.

- Implement a pilot of Family Nurse Partnership where one of the main outcomes is to improve child health and wellbeing through developing key parenting skills.

Why are we doing this?

The UN Committee stated:
The Committee ... recommends that the State party:
c) actively promote positive and non-violent forms of discipline and respect for children’s equal right to human dignity and physical integrity, with a view to raising public awareness of children’s right to protection from all corporal punishment and to decreasing public acceptance of its use in childrearing;
d) provide parental education and professional training in positive child-rearing.

The Scottish Government is committed to providing early support to vulnerable parents and strengthening family capacity to break cycles of inequality, deprivation, ill-health and tackle social problems before they develop through the Early Years Framework. This will help ensure our children have the best start in life and are ready to succeed – national outcome 5.
What did people say in the consultation?

Consultation respondents – in both the written consultation and events - welcomed providing more support to parents to promote positive forms of discipline. It was recognised that this broader approach was needed to shift deeply-rooted societal views on what was acceptable punishment for children. A majority of respondents to the written consultation and at the events were in support of a legislative approach to tackling the use of physical punishment – by introducing a ban on all forms of physical punishment. However, there were consultation respondents, both adults and children and young people who did not agree with an outright ban. Children and young people had mixed views on physical punishment. Some felt very strongly that it was wrong, others that it was acceptable in some circumstances and others who felt it was an acceptable form of punishment and that the state should not legislate on how to parent. One respondent to the written consultation agreed with this final point. On balance, across the spectrum of opinions, there was a widely held view that promoting positive forms of discipline was welcome.
What is the action area?

What specific action will we take?

- Our revised Strategy for Carers in Scotland will include a ‘lift-out’ chapter specifically on young carers which acknowledges the vulnerability of young carers and the differences between adult carers and young carers.

- This young carers section will advance actions and provide guidance that will help identify, inform, advocate for and support young carers, through both dedicated and universal services.

- The young carers section will take forward the Concordat commitment to provide support to an additional 1000 young carers.

- We will use the recent Princess Royal Trust for Carers’ ‘mapping exercise’ on young carer services in Scotland to inform the development of enhanced provision of dedicated services for young carers and increasing capacity within universal services.

Why are we doing this?

- The Scottish Government will continue to fund the Young Carers Festival for a further two years. This brings young carers together enabling them to derive support from others in similar circumstances, it gives them a break, provides support, offers a platform to hear their views, a chance to influence policy-makers and lets them have fun through activities and play.

Although not highlighted by the UN Committee, there are general concerns about a lack of effective support for young carers and about problems with identifying young carers, resulting in many remaining hidden from support services. For this reason proposed actions on young carers were included in the consultation. Improving support for young carers will contribute to them becoming successful learners, confident individuals, effective contributors and responsible citizens – national outcome 4 – and to ensuring that they have the best start in life and are ready to succeed – national outcome 5.
What was said in the consultation?

One respondent highlighted a lack of good information on the numbers of young carers in Scotland and a lack of support. Another highlighted the need for the Scottish Government’s carer’s policy to reflect young people as a distinct group, because of their particular needs and vulnerabilities.

A number of respondents welcomed the Scottish Government’s additional investment in and guidance on respite care, but raised concerns about levels of funding and removal of ring-fencing to local authorities. One suggested the need for a national respite care service and another that targeting of resources only to those in greatest need was too narrow a focus.
What is the action area?

11 Improve outcomes for looked after children

What specific action will we take?

- Support local authorities and the community planning partners to strengthen their role as corporate parents through work to embed the corporate parent guidance “These are our Bairns: a guide for community planning partnerships on being a good corporate parent”.

- Review the impact of The Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003.

- Work with stakeholders on a campaign to challenge stigma/reduce discrimination, and to gather evidence to demonstrate the positive impact that the care system has for vulnerable children, young people and families.

- Gather evidence on the position of looked after children at home and formulate an action plan based on findings.

- We will consider what further actions are needed following the publication of the report and recommendations of the National Residential Child Care Initiative (NRCCI) in September 2009. The NRCCI is led by the Scottish Institute for Residential Child Care and its report and recommendations will cover matching the needs of children and young people to the residential resources we have in Scotland; commissioning of residential childcare services; and the skills mix of the residential child care workforce.

- Securing Our Future Initiative reported in April 2009. It made nine recommendations, including recommendations to mothball 12 of Scotland’s 118 secure care places and to develop a more effective commissioning model. Ministers and COSLA have accepted the recommendations in full, and we are working with partners and providers of secure care to develop an implementation plan to take forward the recommendations.

Why are we doing this?

The UN Committee did not make a specific recommendation relating to improving outcomes for looked after children, although related issues – e.g. non-discrimination and disparities in educational outcomes for different groups – were highlighted. There was significant focus on looked after children in the evidence provided to the UN Committee from Scottish NGOs and the Children’s Commissioner. By tackling some of the issues highlighted by respondents to the consultation we will be improving the life chances for children, young people and families at risk – national outcome 8.
What was said in the consultation?

A number of specific actions that could help improve outcomes for looked after children were suggested through responses to the consultation. Issues that attracted significant support included doing more to actively encourage children to stay in care longer, improving practice around transitions out of care and supporting corporate parenting. At the consultation events, issues for children leaving care and their transition into adult life were consistently highlighted as concerns.

Children and young people brought a different angle to the issues of being in care. The most common view was that more should be done to keep families together. However, one young person pointed out that her experience in care had been more positive than being at home with her mother. A group of looked after and accommodated children in one of the local investigation teams highlighted the rights that were most important to children and young people in their local area: ‘know who you are’; ‘freedom of speech’; ‘privacy’; ‘live your life’; ‘life’; ‘somewhere to stay’; ‘to be helped to live with your family’; ‘to have a say in decisions which affect you’; ‘be protected from harmful drugs’. Helpful reminders of what matters to children and young people.
What is the action area?

What specific action will we take?

The Scottish Prison Service (SPS – which is responsible for policy in prisons as well as their day to day running) is developing a full range of actions to meet the needs of both prisoners and their children and will address the concerns raised during the consultation.

To support this work the SPS has established The SPS Children and Families Strategy Group. The remit of this group includes support and guidance to senior management teams in prisons, development of a set of ‘Minimum Standards for Children and Families’ for use throughout SPS, development of relationships in community justice and voluntary sectors. The detail below is not an exhaustive list of work being done by SPS in this area:

- ‘Children and Families Groups’ will be established in every Scottish Prison. These local, multi-disciplinary groups will be expected to focus strongly on improving the visiting experience for children visiting prisons.

- The SPS will develop and implement Child Protection Policies and Procedures in order to keep children safe during visits to, and contact with prisons.

- The SPS will develop a set of standards and services for children and families. These ‘minimum standards’ will cover a very wide range of issues that impact on the experience of visiting children. Where possible, this will include: the appearance and facilities in visiting and waiting areas, including provision for play and nursing mothers; information and support services for both visitors and prisoners e.g. information on complaints procedure, support on domestic abuse; conduct and training of staff including awareness of child protection and public safety issues; timing and structure of visits between prisoners and their children, particularly preventing enhanced family visits from being withdrawn as punishment. Any material change in the delivery of services to children and families will be risk assessed using a children rights impact assessment tool.

Why are we doing this?

The UN Committee stated:

The Committee recommends that the State party … ensure support to children with one or both parents in prison, in particular to maintain contact with the parent(s) (unless this is contrary to their best interests) and prevent their stigmatization and discrimination.
Ensuring that children maintain positive contact with a parent in prison is key to ensuring they enjoy one of their fundamental human rights – the right to family life. Presenting positive opportunities for children to interact with their parent will provide them with the best start in life and help them to be ready to succeed – national outcome 5. Given studies that have linked the negative impact of parental imprisonment to poor outcomes (in health, education and future offending behaviour) for their children, these actions (inasmuch as they can mitigate some of the negative impacts of imprisonment) may also improve the life chances for children, young people and families at risk – national outcome 8.

**What was said in the consultation?**

Serious concerns were raised during both the written consultation and the consultation events on the negative experiences children can have when visiting a parent in prison. For example, the effect of seeing a parent in that setting, visiting rooms that are not child-friendly with no space for play, shortage of seating or prison rules preventing children being able to sit beside a parent, prisoner’s visiting rights cancelled as punishment, the cost of visiting a parent in prison etc. While the Scottish Government’s support for Families Outside was appreciated, it was considered that more should be done.

There were no children and young people in the consultation who addressed the issue of children of prisoners.
What is the action area?

What specific action will we take?

- Consider what further action we can take to encourage private foster carers to register with local authorities.

- Ensure that the policy agendas to address issues for young runaways, unaccompanied asylum seeking children and other child protection matters are co-ordinated effectively.

Why are we doing this?

Although not mentioned by the UN Committee, there are general domestic concerns that in Scotland we do not have appropriate procedures in place to monitor or regulate private fostering. For this reason proposed actions on private fostering were included in the consultation. Local authorities have a statutory duty to register private foster carers and private foster care is also regulated by the Care Commission and reported on annually. However, the recorded numbers of children are so low that they cannot be credible.

Ensuring better regulation of private fostering will give our children the best start in life and make sure they are ready to succeed – national outcome 5.

What was said in the consultation?

Concerns were expressed in the written consultation on the inconsistency that exists around legislation banning physical punishment for children who are fostered via the local authority and those who are fostered privately. It is possible for privately fostered children to be physically punished if they are privately fostered. This is just one example of where regulation around private fostering needs to be tidied up.
What is the action area?

What specific action will we take?

- Produce a cohesive cross-directorate response to the Children’s Commissioner’s report *Handle with Care* which addresses a range of moving and handling issues, particularly those regarding respect for children and young people, and their views, and an emphasis on dignity.

- Work closely with the For Scotland’s Disabled Children coalition Liaison Project on the shared goal of promoting flexible support for families. This will include work on transition, short breaks and education issues.

- Continue striving to incorporate the views and experiences of children and young people with disabilities, and their parents, into the policy-making process. We will deliver a series of events bringing together national and local policymakers, service commissioners, voluntary sector service delivery organisations and families with disabled children in a partnership for change.

- Work together with the UK Government and other devolved administrations to develop a sensible framework for meaningful implementation and appropriate monitoring and reporting of the Convention on the Rights of Persons with Disabilities which reflects what is happening in different parts of the UK.

- Support the effective implementation of Education (Additional Support for Learning) (Scotland) Acts 2004 & 2009, both of which aim to ensure that the additional support needs of children and young people in school education, including those with disabilities, are identified, addressed and reviewed.


Why are we doing this?

The UN Committee stated:

The Committee recommends that the State party:

(a) Take all necessary measures to ensure that legislation providing protection for persons with disabilities, as well as programmes and services for children with disabilities, are effectively implemented;

(b) Develop early identification programmes;

(c) Provide training for professional staff working with children with disabilities, such as medical, paramedical and related personnel, teachers and social workers;

(d) Develop a comprehensive national strategy for the inclusion of children with disability in the society;

(e) Undertake awareness-raising campaigns on the rights and special needs of children with disabilities, encourage their inclusion in society and prevent discrimination and institutionalization;

It is essential that children with disabilities are able to participate fully in society. Addressing issues previously highlighted in studies from, e.g. the Children’s Commissioner and Children in Scotland and highlighted by the Committee and by respondents to the consultation, can help address some of the significant inequalities in quality of life and outcomes that children with disabilities and their families experience. This will contribute to tackling the significant inequalities in quality of life and outcomes that children with disabilities and their families experience. This will contribute to tackling the significant inequalities in Scottish society - national outcome 7.

What was said in the consultation?

Significant concern was expressed in both the written consultation and during the events that children with disabilities faced a range of obstacles to enjoying their full rights. As highlighted in the events summary: It is worth noting that throughout the seminars children with disabilities and looked after children were consistently cited as those least likely to have their right to be listened to upheld in practice.

In the summary of written responses, the rights of children and young people with disabilities was highlighted as a priority area for action. Improving participation, particularly having children’s opinions sought and acted upon, was considered key to improving the enjoyment of all their rights. Also key was the recognition that children and young people with disabilities are still children and young people first. There was concern that services are not very good at providing for their needs as a child or young person – particularly around access to play and leisure facilities with their friends.

Children and young people expressed awareness of the way children with disabilities can be excluded in playground games or even in the way they have to access school: “If you are out in the playground and you're playing (games like) tig or hide and seek… then you would always end up being ‘it and if you were playing hide and seek you wouldnae get in any places.”; “This school isnae exactly built for people like that.”

A group of children with learning disabilities identified 3 areas were they felt more should done: better facilities in school playgrounds, safety (from older children and adults when playing outside); bullying.
What specific action will we take?

Through Respect and Responsibility: Delivering improvements in sexual health outcomes 2008-2011, the Scottish Government, working with partners, will deliver a range of actions to improve the sexual health of Scotland, including young people. Examples of actions to help prevent unplanned pregnancies are:

- Young people not in school, young offenders and those who are looked after or accommodated are prioritised for the provision of sex and relationships education and one to one support by those services engaging with these groups.

- Drop-in services offering general health advice, including pregnancy testing and condoms in or within walking distance from schools/young people’s centres.

- Sex and Relationships Education provided in all primary and secondary schools which is age and stage appropriate and is non-discriminatory and sensitive to the diverse backgrounds and needs of all children and young people.

For young people who are parents we will take the following action to support them:

- We will update guidance to schools on pupil safety and welfare, Safe and Well. We will ensure that the guidance reflects the new specific guidance on teenage pregnancy and will expand the guidance as necessary to reflect other developments in this area, and reflect issues relating to sexual health.

- We will support the effective implementation of Education (Additional Support for Learning) (Scotland) Acts 2004 & 2009, both of which aim to ensure that the additional support needs of young people in school education, including teenage parents, are identified, addressed and reviewed.

- We will implement a pilot of the Family Nurse Partnership Programme in Scotland aimed at pregnant teenagers under the age of 19. The aims of the pilot are wide and include building confidence, encouraging young parents to plan for the future (which could include them staying on in education) and planning of future pregnancies.
Why are we doing this?

While the UN Committee did not make a specific recommendation on improving outcomes for teen parents, the Committee did comment on their concern “at the high rate of teenage pregnancies, especially among girls from a lower socio-economic background”. Their recommendation in relation to this was:

**The Committee recommends that the State party intensify its efforts in order to provide adolescents with appropriate reproductive health services, including reproductive health education, in school.**

They also commented that “several groups of children have problems being enrolled in school or continuing or re-entering education, either in regular schools or alternative educational facilities, and cannot fully enjoy their right to education”, including teenage mothers.

It is clear that teen parents are a group that are particularly important to target for both their own welfare and that of their children. Providing better support to teenage parents will help ensure we have improved the life chances for children, young and families at risk – national outcome 8 – and that we have tackled the significant inequalities in Scottish society – national outcome 7.

What was said in the consultation?

In written consultation responses, it was noted that support for young parents to continue in education needs to be backed up by financial resources such as childcare. It was thought that parenting classes, especially for young parents are essential to enable young families to cope and manage more effectively. The comment was made that the UK Government’s proposed Welfare Reform Bill could have negative effects in forcing young parents into low income jobs with a detrimental impact on time left for parenting. The Scottish Government was urged to influence the development of this Bill to avoid this negative consequence. It was also felt by one respondent that the Scottish Government should do more to dispel negative attitudes to young parents.

Participants in the consultation events made the link between increased communication and information on sexual health and lower teenage pregnancy rates. They also highlighted the need to further explore links between socio-economic background and teenage pregnancy rates.
What is the action area?

10 Support delivery of the Curriculum for Excellence health and wellbeing experiences and outcomes

What specific action will we take?

❯ Continue to work with Learning and Teaching Scotland, NHS and other partners to support the delivery of the health and wellbeing experiences and outcomes.

❯ Make research published on teacher confidence by University of Glasgow widely available.

❯ Set up a forum on Glow for discussion around the health and wellbeing experiences and outcomes.

❯ Monitor discussion in this group to identify gaps, at a national level, that will help inform resource/guidance needs.

❯ Encourage strong partnership working across providers and sectors, recognising that children’s and young people’s learning about health and wellbeing benefits strongly from receiving consistent messages.

The Scottish Government is working with a number of partners, including Learning and Teaching Scotland and NHSScotland to improve support for school communities to address these issues. It has been recognised in research that teacher confidence in this area is low and that more can be done to support them. This is particularly important given the new focus on the responsibility for everyone involved in delivering the curriculum to address these issues at the pace and detail relevant for each child.

Why are we doing this?

The UN Committee stated:

The Committee recommends that the State party intensify its efforts in order to provide adolescents with appropriate reproductive health services, including reproductive health education in the school.

The Committee recommends that the State party continue to address the issue of substances use by adolescents across the State party, including by … providing children with accurate and objective information on toxic substances, as well as support to those attempting to abandon their use or dependency.
What was said in the consultation?

While children and young people receive information and support on these issues from a variety of sources, it was recognised in consultation responses that the school setting remained crucial.

Under one of the priority issues identified in the written response summary – early support and intervention – responses highlighted the need for “age appropriate sexual health and relationships education for all children in Scotland from primary age”. The recently published Health and Wellbeing experiences and outcomes in Curriculum for Excellence were broadly welcomed as a good vehicle for equipping teachers to explore these issues with children and young people. However, it was felt that more could be done to support teachers to deliver the outcomes.

Children and young people recognise the importance of raising these issues early. One focus group discussed sex education in primary school. Another discussed the need for education on drugs in the first 2 years of high school. Their view was that by third year young people had started experimenting and would decide themselves whether they wanted to continue or not. The Children’s Parliament local investigation team highlighted the importance of children being able to talk about their feelings in a secure, confidential way at school. A key characteristic of their ideal school would be that: Children have someone they can talk to about their feelings, no one else will find out, and you won’t get into trouble for what you say.
What is the action area?

Child poverty

What specific action will we take?

- Support implementation of the three social policy frameworks: Achieving our Potential (poverty and income inequality), Equally Well (health inequalities) and the Early Years Framework (early intervention) which together aim to tackle the long-standing cycles of inequality across Scottish society.

- Under these frameworks there are a wide range of actions being planned or taking place to tackle child poverty, for example: expansion of eligibility for free school meals for children in income deprivation, allowances for children in kinship care, increased support for children reaching school leaving age (including financial support) and encouragement to stay in education post-16. There are also of course a range of policy measures to tackle poverty throughout the whole population. This includes increased investment in income maximisation, work to help people claim the benefits and tax credits they are entitled to and to avoid or minimise debt, and expansion of the Energy Assistance Programme for people in fuel poverty.

- The Scottish Government has agreed that the UK Child Poverty Bill should extend to Scotland.

- The UK Child Poverty Bill introduces measures to commit the UK Government to the eradication of child poverty and places strategic and reporting duties on UK Government and Scottish Government.

The main elements of the Bill as it is currently drafted are:

- It enshrines the Government’s commitment to eradicate child poverty by 2020 in law, by placing a duty on the Secretary of State to ensure that a range of child poverty targets are met.

- It defines these child poverty targets (based on relative low income, combined low income and material deprivation, absolute low income and persistent poverty).

- It places duties on the Secretary of State to produce an initial UK strategy to eradicate child poverty, and a revised strategy every three years thereafter, and for Scottish Ministers to do the same.

- It places a duty on the Secretary of State to report on an annual basis on progress against the targets, including implementation of the latest strategy across the UK.

- It provides for the establishment of a Child Poverty Commission to advise on strategic and technical matters.

- It places various duties on English Local Authorities to work to reduce child poverty and to prepare local strategies in accordance with this.

Legislation is also intended to support a co-ordinated approach to tackling poverty within Scotland and across the UK and to build consensus and momentum on tackling child poverty.
Why are we doing this?

The UN Committee stated:
The Committee would like to highlight that an adequate standard of living is essential for the child’s physical, mental, spiritual, moral and social development and that child poverty also affects infant mortality rates, access to health and education as well as everyday quality of life of children. In accordance with article 27 of the Convention, the Committee recommends that the State party:

a) adopt and adequately implement the legislation aimed at achieving the target of ending child poverty by 2020, including by establishing measurable indicators for their achievement;

b) give priority in this legislation and in the follow-up actions to those children and their families in most need of support;

c) when necessary, besides giving full support to parents or others responsible for the child, intensify its efforts to provide material assistance and support programmes for children, particularly with regard to nutrition, clothing and housing.

Addressing specific concerns around child poverty will be central to ensuring we have tackled the significant inequalities in Scottish society – national outcome 6.

What was said in the consultation?

Child poverty was highlighted as a significant area of concern in all strands of the consultation. In the written consultation respondents highlighted a number of different areas that are of concern. For example, fuel poverty was seen as a priority, the impact women’s poverty has on children, immediate actions required as a result of the recession versus long-term poverty, the need for specifically a child poverty plan within the overall poverty strategy. There was concern at the events around the cost and quality of childcare and the impact this had on children whose parents who are forced back to, often low paid, work.

Children and young people seem to be particularly aware of the impact housing and health services can have on their standard of living. For example, the gypsy traveller local investigation team identified both of these issues as two of the most important rights from their investigation. There was also discussion of links between child poverty and e.g. sexual health and substance misuse. A number of children and young people mentioned their scepticism at the government being willing and able to address poverty given the current economic situation.
What is the action area?

What specific action will we take?

➜ We will continue to work with Inspiring Scotland on a possible venture philanthropy fund to support play. If research shows that such a fund can improve outcomes, then the Scottish Government is prepared to invest £4m.

➜ As part of the Early Years Framework, we will launch a campaign in September aimed at supporting parenting skills and promoting the value of parenting.

➜ In partnership with the Care Commission, Play Scotland and the police, we will lead a debate on understanding and balancing the benefits of play against risk. Through this debate we want to ensure that parents, communities and professionals recognise and value the long-term benefits of play and exposure to risk and that this is reflected in the media.

Why are we doing this?

The UN Committee stated:

The Committee recommends that the State party strengthen its efforts to guarantee the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts. The State party should pay particular attention to provide children, including those with disabilities, with adequate and accessible playground spaces to exercise their play and leisure activities.

As a central element of the Early Years Framework, improving access to and the quality of play in Scotland ensures our children have the best start in life and are ready to succeed – national outcome 5.
What was said in the consultation?

There was a frequent call, throughout the consultation to ‘let children be children’. Play featured widely across all 3 consultation strands, in a number of different areas. There were a few obstacles cited that were preventing children and young people from being able to play more: access to play and leisure facilities; adults concerned about risk; safety issues, e.g. fear of older children and adults/bullying; young people being moved on from public spaces by adults, including police; parents without the time or skills/confidence to play with their children. There was support for a high profile, well-funded play strategy that recognised the importance of all play opportunities (including those out of school, where most play happens).

Children and young people felt very strongly that there was not enough to do. This was seen as contributing to the negative perceptions people had of them – assumptions are made that because they are ‘hanging around’ they are misbehaving. It was recognised that play helps them learn and develop and these links were made more explicitly by one of the local investigation teams. Their findings identified one of the key features of an ideal school was that ‘everyone is happy and healthy’. Within this, there were a number of characteristics including: Children have a wide range of books and computers that are working; There is active school work in and out of class; children work in teams to make learning fun (this includes in sports and music); Playgrounds are large, clean and safe; they have some soft surfaces and nice features (like ponds).
What is the action area?

Better support for unaccompanied asylum seeker children

What specific action will we take?

Following a seminar and further discussions with UKBA and local partners a number of priority areas of activity have been identified, including:

- Provide training and guidance to those involved in age assessment procedures.
- Review and update information and guidance for all those working with separated children to ensure they get the help and support they require.
- Ensure information and guidance for separated children themselves is relevant and accessible.
- Work with the Scottish Refugee Council and other local partners to develop a pilot scheme to provide independent advocacy support to separated children.

Why are we doing this?

The UN Committee stated:

The Committee recommends that the State party... consider the appointment of guardians to unaccompanied asylum seekers and migrant children;

The Committee recommends that the State party provide the necessary resources for an effective implementation of the Anti-trafficking Action Plan.

It also recommends that the State party ratify the Council of Europe Convention on Action against Trafficking in Human Beings and implement its obligations by ensuring that child protection standards for trafficked children meet international standards.

Separated children are among the most vulnerable in our communities and require specialised, intensive support. We want to ensure that all separated children have access to the same level of support as other children at risk. Caring for all vulnerable children living in Scotland, regardless of their country of birth or the circumstances of their arrival, is fundamental to the creation of a strong, fair and inclusive national identity and improving of the life chances for children, young people and families at risk – national outcomes 13 and 8.
What was said in the consultation?

Respondents to the consultation were positive about the Scottish Government’s position on children and families seeking asylum. There was strong support for our opposition to the detention of children at Dungavel and approval for our moves to provide an alternative to detention. There was agreement that more needed to be done to support separated children. There was concern that current support for unaccompanied children seeking asylum and trafficked children was not adequate and that expertise was not widespread. There is a concentration of services and expertise in Glasgow (where the majority of the separated children are) but this leaves other areas of the country unclear, unsure or even unaware of what proper procedures are for identification and support for separated children.

There was a very strong social justice theme to the comments from children and young people that made clear they felt there was a moral imperative to supporting children arriving from other countries. One group of primary pupils felt that it was important to find alternatives to detention for families and were particularly concerned that children might be sent back to countries that were not safe. There were a number of comments to the effect that people had a right to pursue a better life in this country and that there was a duty of care towards those of them who were at risk.
What is the action area?

26 Child trafficking and sexual exploitation

What specific action will we take?

- Development of improved systems for collating and understanding information relating to the neglect and abuse of children.

Work is underway to review and improve national guidance developed to support practitioners and service managers in planning and delivering services for those children and young people in our communities who are at risk of harm. As part of this work, consideration is being given to how the existing systems for recording information relating to the abuse, neglect and exploitation of children can be improved in terms of robustness and consistency in order to assist in the future planning and delivery of services.

- Work with partners to better understand the scope and causes of child trafficking and sexual exploitation in Scotland.

- Work with UK Government and partners on implementing the UK Action Plan on Tackling Human Trafficking, the Council of Europe Convention on Action against Trafficking in Human Beings and the Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography.

We recognise that many children who may have been trafficked are unlikely to be known to professionals. Scotland is at an early stage in development of an evidence base on prevalence and knowledge of the range of backgrounds of those trafficked and of traffickers. Work is being undertaken with colleagues in Glasgow City Council to better understand the causes of child sexual exploitation through the collation of qualitative evidence from child victims of trafficking and sexual exploitation in the Glasgow area. This work will form part of a 12 month pilot being undertaken in Glasgow which is focussing on a new national referral mechanism for victims of child trafficking.

Trafficking of children is a clandestine activity and, therefore, it is difficult to identify and record the number of trafficked children. Some data does exist although not specific to Scotland. Moving forward, we will work with academics, policy partners and CEOP (Child Exploitation and Online Protection Centre) to collate more detailed evidence around the scope of the problem of child trafficking in Scotland.
Why are we doing this?

The UN Committee stated:

The Committee recommends that the State party … establish mechanisms for monitoring the number of cases and the extent of violence, sexual abuse, neglect, maltreatment or exploitation, including within the family, in schools and in institutional or other care.

The Committee recommends that the State party intensify its efforts to collect data on the extent of sexual exploitation and abuse of children, essential to prepare adequate responses and combat these phenomena… The State party should always consider, both in legislation and in practice, children victims of these criminal practices, including child prostitution, exclusively as victims in need of recovery and reintegration and not as offenders. The Committee also recommends that the State party ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

The Committee recommends that the State party provide the necessary resources for an effective implementation of the Anti-trafficking Action Plan. It also recommends that the State party ratify the Council of Europe Convention on Action against Trafficking in Human Beings and implement its obligations by ensuring that child protection standards for trafficked children meet international standards.

Understanding the extent of child sexual exploitation is a starting point in tackling the issues that allow it to continue. This is key to ensuring our children live their lives safe from crime, disorder and danger – national outcome 9 – and that they have the best start in life and are ready to succeed – national outcome 5.

What was said in the consultation?

Child trafficking and exploitation was identified within the summary of written responses as a priority area for action. A key action that was recommended was to commission a study on the scope and causes of child exploitation and child prostitution. One of the focus groups of children and young people identified child trafficking and child exploitation as the most important issue as the children involved were in the most danger.
What specific action will we take?

Along with signatory partners, we will deliver on the priorities of Preventing Offending by Young People: A Framework for Action, which will support young people who present a high risk to themselves or others and those who make the transition to the criminal justice system. This framework, along with other streams of work, will: reduce the number of under 18s who reoffend and receive custodial sentences as adults; ensure an effective age-appropriate response, including a range of interventions, in both children’s and criminal justice systems; and promoting effective community-integration.

To deliver this, the Scottish Government will:

**Information and Risk Management**

→ Develop and implement systems and processes to ensure accurate, appropriate and proportionate information about children who offend can be transferred between organisations and used effectively to improve case and risk management.

**Diversion from formal measures**

→ Develop and implement a consistent process for delivery of diversionary services for young people who offend and dealt with either by children’s or adult services including an improved response from commission of offence to effective disposal.

→ Improve practice to strengthen transitions into adulthood, including where that requires continued intervention to meet needs and manage risks.

**Learning from the Youth Courts**

→ Develop a tool-kit of good practice taken from the pilot youth courts and implement nationally.

**Community alternatives to custody/secure care**

→ Reduce the number of under 18s in prison or secure care by promoting robust community-based alternatives and effective decision-making (including wraparound/ISMS/Community Payback orders for 16/17 year olds);

**Residential care**

→ Improve the range, quality and effectiveness of provision of residential services, including secure care, for young people who need them, through a strengthened approach to commissioning.

**Use of custody**

→ Implement legislation to abolish the unruly certificate by which under 16s can be remanded to prison.

→ Ensure that no under 16s go to prison for any other reason, and that any under 18s in prison have an appropriate regime and where practicable are kept separate from adult prisoners (unless it is not in their interests).
Why are we doing this?

The UN Committee stated:

The Committee recommends that the State party fully implement international standards of juvenile justice, in particular articles 37, 39 and 40 of the Convention, as well as the General Comment no. 10 on “Children’s rights in Juvenile Justice” the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“the Beijing Rules”), the United Nations Guidelines for the Prevention of Juvenile Delinquency (“the Riyadh Guidelines”) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (“the Havana Rules”). It also recommends that the State Party:

a) raise the minimum age of criminal responsibility in accordance with the Committee’s General Comment no. 10, and notably its paragraphs 32 and 33;

b) develop a broad range of alternative measures to detention for children in conflict with the law; and establish the principle that detention should be used as a measure of last resort and for the shortest period of time as a statutory principle;

c) children in conflict with the law are always dealt with within the juvenile justice system and never tried as adults in ordinary courts, irrespective of the gravity of the crime;

d) following the welcomed withdrawal of its reservation to article 37(c) of the Convention, ensure that, unless in his or her best interests, every child deprived of liberty is separated from adults in all places of deprivation of liberty;

e) provide for a statutory right to education for all children deprived of their liberty;

f) adopt appropriate measures to protect the rights and interests of child victims or witnesses of crime at all stages of the criminal justice process.

The Committee recommends that the State party conduct an independent review on ASBOs with a view to abolishing their application to children.

Addressing issues around the youth justice system are central to tackling the cycle of offending that some young people find difficult to escape from. A key transition point is at 16 and 17 years old where many young people move from the welfare based children’s hearings system (that deals with 99% of under 16s) to the adult criminal justice system. Dealing effectively with this age group will help achieve the full range of national outcomes that aim to improve outcomes for children and young people and more specifically will ensure we live our lives safe from crime, disorder and danger – national outcome 9 – and will help create strong resilient and supportive communities where people take responsibility for their actions and how they affect others – national outcome 11.
What was said in the consultation?

There were a number of the issues highlighted by the UN Committee under the theme of youth justice that attracted support and comment from consultation respondents. There was discussion on the age of criminal responsibility and minimum age of prosecution, ASBOs, the mental health of young people who offend, the Children’s Hearings System, young people in the prison estate and alternatives to custody. A common theme was the stark change in emphasis in the way under 16s and 16 and 17 year olds are dealt with within these systems. While there was limited criticism of the Children’s Hearings System (with one young person preferring the adult court system: “I would rather go to court ‘cos the court, they tell you what’s happening...”) in general it was regarded as a positive way to deal with young people who offend. There were suggestions that either the system should be extended or a different youth system should be created that would allow a smoother transition for 16s and 17s who offend and make it easier for them to successfully leave the criminal justice system altogether.

Children and young people particularly highlighted the role of adults – parents and police – in challenging negative behaviour at an early stage as a way of preventing offending. Another point made by children and young people, specifically from those who had experience of the youth justice system, was the importance of relationships being built up between them and the people who decide whether they should be sent to a secure unit. Some felt that it was unfair that strangers were able to pass judgement on them. They also felt that more could be done to allow young people a ‘second chance’ before being locked up.