

## **Cross Party Group on Children and Young People**

**Wed 29<sup>th</sup> April 2015**

**1pm – 2.30pm**

**Committee Room 1**

### **Children and young people's rights**

#### **Attendees**

Alison Johnstone, MSP

Mark MacDonald, MSP

Anela Anwar, Roshni

Linda Bailey, Partners in Advocacy

Norma Begg, Mindroom

Gareth Brown, Scottish Youth Parliament

Liam Campbell, ENABLE

Fee Ferguson, Children in Scotland

Emma Grindulis, Together

Jonathan Hancock, Children 1<sup>st</sup>

Juliet Harris, Together

Dr Claire Houghton, University of Edinburgh

Lydia House, Scottish Parent Teacher Council

Megan Johnson, Scottish Women's Aid

Fiona Jones, Clan Childlaw

Hilary Kidd, Young Scot

Steven Kidd, UNICEF

Martin Lahiffe, CLIC Sargent

Deva MacGinty, LGBT Youth Scotland

Jeanne Martin, The Prince's Trust

Elizabeth May, Action for Sick Children Scotland

Orlaith McAree, Scottish Women's Aid

Emma Megaughin, Bellenden Public Affairs

Ruth Mendel, Scottish Council of Independent Schools

Louise Morgan, Carers Trust

John Nicholls, Children's Parliament

Eloise Nutbrown, Save the Children

Dr. Vibha Pankaj, ENABLE

Sarah Paterson, Youthlink

Ashley Ryan, ENABLE

Michael Shanks, Includem

Kay Tisdall, Centre for Research on Families and Relationships

Nicki Wray, Barnardo's

#### **Apologies**

Kezia Dugdale, MSP

Alison McInnes MSP

Jackie Baillie MSP

David Ashford

Fiona Barlow, Samaritans

Salena Begley, Family Fund  
Morag Coleman, Families First St Andrews  
Lorna Goodwin, Carers Trust  
Kim Hartley, Royal College of Speech and Language Therapists  
Lesley Kelly, Centre for Research on Families and Relationships  
Rachel Le Noan, Down's Syndrome Scotland  
Cath Logan, Big Lottery Fund Scotland  
Callum Macdonald, Skills Development Scotland  
Brian Magee, COSCA  
Louise Morgan, Carers Trust  
Rob Murray, Changing Faces  
Donna Tomlin, Contact a Family  
Paul Traynor, Carers Trust

## **Minutes**

### **Introduction**

Opening from chair, Alison Johnstone MSP, she asked the permission of the CPG to take the AGM at the beginning of the meeting as Mark MacDonald MSP, who has been put forward as a co-chair to replace SNP's Marco Biagi MSP, needed to leave before the end of the meeting.

### **AGM**

Intro from Mark MacDonald, who said he had a particular interest in young people with disabilities and that he was keen to take a proactive role within the CPG if he was elected by the membership.

Membership agreed to re-elect Kezia Dugdale MSP and Alison Johnstone MSP as co-conveners and to elect Mark MacDonald MSP as the third co-convener.

Membership agreed to continue with the joint secretariat provided by YouthLink Scotland and Children in Scotland.

Annual return will be submitted to the Scottish Parliament shortly.

Following the AGM, Alison Johnstone MSP opened the meeting with this introduction:

*Welcome to this meeting of the Cross Party Group on Children and Young People. Making sure our children are protected and aware of their rights is part*

*of our ambition to ensure that our society in Scotland treats all its citizens, regardless of age, with respect.*

*Today's meeting will look at the issue of Children and Young People's Rights in Scotland. We are keen to find out exactly what are the barriers to achieving a nation where our children feel empowered and protected. What are the current barriers/gaps to the realisation of children's rights under the UN Convention on the Rights of the Child in Scotland, and what needs to happen in terms of policy, practice and legislation to achieve that equality.*

*This is a really exciting and important time to be focusing on children's rights.*

- Part 1 of the Children and Young People (Scotland) Act 2014 will commence in July this year. Part 1 includes explicit reference to the UNCRC and duties on Scottish Ministers and Public Bodies to consider and further children's rights, to promote awareness and understanding of children's rights and to report on the realisation of the UNCRC.*
- Increasing reference is being made to children's rights and the UNCRC in government strategies such as the Play Strategy; in equality impact assessments and in policy memorandum for forthcoming legislation such as the Carers Bill. Although steps may be small, they are being made in the right direction in terms of a culture change towards fulfilling children's rights and recognising the obligations of the Scottish Government under the UNCRC.*
- Approximately every five years, the UN Committee on the Rights of the Child reviews the UK's compliance with the UNCRC and provides a set of recommendations on how children's rights can be better protected, respected and fulfilled. The next review is set to take place in Spring 2016 so there is lots of work already underway to prepare and input into this review. Juliet Harris will provide further context to UNCRC reporting shortly.*

*The secretariat of the CPG has suggested that this meeting could lay the foundations for a special rights manifesto ahead of the next Holyrood elections, members can let me know their thoughts on this at the end of the meeting.*

Then Alison Johnstone introduced the panel:

### **Juliet Harris, Together**

- An overview of work to monitor the UNCRC in Scotland.*
- An outline of Together's annual State of Children's Rights report.*

- An outline of the findings from Together's 2014 State of Children's Rights report:
- An overview of UNCRC reporting and the Scottish context.
- Reference to the CPG child rights manifesto for 2016 Holyrood elections.
- Discussions today will help to inform Together's report to the UN Committee.

### **Ashley Ryan, Enable**

- Three key aspects: Access to play and relax; support for lasting friendships and support for the 18-29 age group who often lack that vital support
- A recent consultation with 150 disabled young people found the following:
  - 68% felt targeted groups were not inclusive or met their needs
  - 25% found mainstream services difficult to adapt to with bullying an issue for some
  - 37% had less than 3 friends 7% had no friends and felt that people did not understand them
  - Parents said that they want their young people to function normally in society as they have serious concerns about how their children will cope as adults when they as parents are no longer here to care for and support them
- Liam from Enable - case study - need to source this
- Biggest barriers for over 18s is that once they get to 18 they immediately find themselves excluded from children's services but they are not necessarily ready to go into adult services

### **Anela Anwar, Roshni**

#### **Awareness**

Previous research we have conducted has shown that, in general, minority ethnic (ME) children and young people lack awareness on the significance and scope of the UNCRC. Similarly, our research has shown little knowledge of the Children's Commissioner and his role. Early indications from our current research project suggests that this remains to be the case.

There is also a general lack of awareness of views on children's rights and the UNCRC from ME communities on the whole. As has been acknowledged in the past, research and reporting of this issue has typically lacked input from Scotland's ME communities, leading to a well-documented gap in knowledge.

## **Barriers**

Our research has identified several barriers ME children and young people face in realising their rights. As well as discrimination and the potential linguistic obstacles to overcome, there are others that are more subtle. We have observed barriers, particular to ME families and communities, such as a lack of understanding, fear of the unknown, generational gaps and differing cultural norms around the idea of children's rights.

## **Recommendations**

With an ongoing lack of awareness about children's rights and the UNCRC and the realisation of rights amongst ME children and communities we would suggest that further action needs to be taken to address this. It is crucial that any efforts to raise awareness of the UNCRC or steps taken to protect children's rights in Scotland make specific provisions for ME children & young people. Also crucial is that there is more widespread and collaborative research into the views of ME communities on this issue and that this research be shared to promote good practice. As a general rule, relevant parties in the public and third sector should be more mindful of the additional barriers faced by ME children & young people when forming policy in this area.

## **Fiona Jones, Clan Childlaw**

### **Access to Justice**

Children currently experience difficulties in vindicating their rights when they have been violated. These difficulties could be overcome by one or all of the following means:

- Incorporation on the UNCRC
- Sign up to Optional Protocol 3 to the UNCRC on a Communications Procedure
- Improve children's access to legal aid by removing the need for a financial assessment of parents' resources

### **Advocacy for Children**

There is insufficient availability of suitable advocacy provision for children across Scotland. As a result, children often do not have the opportunity to express their views adequately in decision making processes that affect them.

### **Sibling Contact**

Siblings often experience separation from one another when their parents separate or when one or more siblings are taken into care. There needs to be prioritisation of sibling contact in such situations. Local authorities should have

a duty to promote and facilitate contact among looked after children and their siblings.

### **Age of Criminal Responsibility**

Although children under 12 can no longer be prosecuted in court in Scotland, they can be referred into the Children's Hearings System on the grounds that they have committed an offence from the age of 8. The age of criminal responsibility should be raised from 8 to 12.

### **Equal Protection from Assault**

Section 51 of the Criminal Justice (Scotland) Act 2003 allows parents a defence of "justifiable assault" on their children. This is in clear breach of Article 19 of the UNCRC and should be repealed.

### **Disclosure**

Conviction and non-conviction information can follow children and young people well into their adult lives, which can make it difficult to obtain employment. This is often disproportionate to the severity of the offence, and unnecessary in relation to non-conviction information. Most conviction and all non-conviction information should be removed from the disclosure system at 18.

### **Hilary Kidd, Young Scot**

Young Scot has just been announced as lead strategic partner in Scotland for iRights, a UK-wide coalition which aims to make the internet and surrounding digital world a better and more empowering place for all children and young people. iRights believe that we have a distinct duty of care to empower and protect children and young people, yet in the digital world – the place where children and young people spend vast time and which is shaping their lives and behaviour fundamentally – we do not fulfil this duty adequately. iRights is trying to address this urgent gap through a framework of five clear digital rights. These translate children and young people's existing rights from the physical to the digital world. The five iRights are:

- **The right to remove:** to easily edit or delete online content they have created, and access simple and effective ways to dispute online content about them.
- **The right to know:** to know who holds and profits from their information, what their information is being used for, and whether it is being copied, sold, or traded.

- **The right to safety and support:** to be confident they will be protected from illegal practices, and supported if confronted by troubling and upsetting scenarios online.
- **The right to make informed and conscious choices:** to engage online but also to disengage at will and not have their attention held unknowingly.
- **The right to digital literacy:** to be taught the appropriate skills to use and critique digital technologies and be confident in managing new social norms.

Every company, organisation and leader can use the iRights framework to guide their behaviour so that, collectively, we enable all children and young people to access the internet creatively, knowledgeably and fearlessly.

### **Steven Kidd, Child Rights Launchpad, UNICEF**

- An introduction to Unicef UK's role in relation to children's rights
- A brief synopsis of the work Unicef UK is doing within the UK to advance the realisation of children's rights
- A specific introduction to Child Rights Launchpad, a new Scottish-specific resource from Unicef UK

Some areas for improvement:

- Incorporation of the UNCRC into domestic law and the ratification of the 3rd optional protocol (reserved issues)
- Child poverty
- The age of criminal responsibility
- Corporal punishment
- Raising awareness of the UNCRC amongst children and duty bearers.

### **Group discussion**

- Kay Tisdall, Centre for Research on Families and Relationships - more focus needed in terms of commercial world and children's access and equality around business and rights - Enable and Together both agreed should be included in any manifesto
- Louise Morgan, Carers Trust - talked about their organisation's development of a charter of rights for young carers

## **Action points and date of next meeting**

CPG agreed to move forward with a CPG manifesto on Children and Young People's Rights - working group to be set up which will include those who were on the panel and:

Kay Tisdall, Centre for Research on Families and Relationships

Louise Morgan, Carers Trust

John Nicholls, Children's Parliament

Kay Steven, Scottish Women's Aid

Donna Mackie -

Martin Hunt, Tartan Silk

Elizabeth May, Action for Sick Children Scotland

Jonathan Hancock, Children 1st

The next meeting will be Tuesday 2<sup>nd</sup> June at 1pm. Subject for this meeting will be the impact of cuts on children and young people. Further details, including the topic to be discussed, will be circulated in due course.