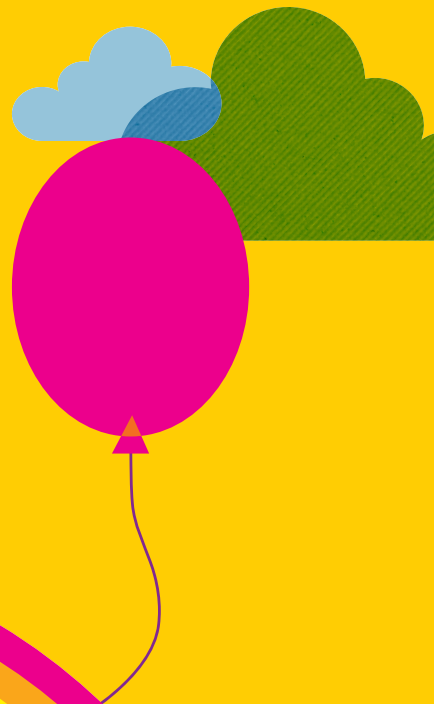




Do the Right Thing

PROGRESS REPORT 2012



A progress report on our response to the 2008 concluding observations from the UN Committee on the Rights of the Child

MINISTERIAL FOREWORD

“Making rights real”

Our ambition is for Scotland to become the best place in the world for a child to grow up. A place where rights are respected, where opportunities and support are available when they are needed. A Scotland where children and young people can enjoy the present and develop into the confident, successful citizens of the future.



As a government and as a people we each have the responsibility to do all we can to improve the wellbeing of our nation's children. A nation where children's rights have practical application.

Our children will be better placed to flourish and to contribute to, and enjoy, Scotland's economic, cultural and social future. They will help place Scotland in the top ranks of the countries of the world where rights are made real and where children and young people are valued and respected.

We have strong foundations in Scottish society, reflected in our ambitions for the commonweal and our sense of community. We need to build on these to challenge those aspects of Scotland which still blight our children and young people: poverty, sectarianism, misuse of alcohol and drugs and the unacceptable abuse and neglect experienced by some children and young people. If we can address these issues then we will succeed in making their rights real.

The United Nations Convention on the Rights of the Child provides the principles and values to which we all should aspire. In 2009 we published 'Do the Right Thing' – our response to the 2008 concluding observations of the UN Committee on the Rights of the Child. This was a clear commitment by the Scottish Government to account for actions to further promote children's rights. This document reports on the significant progress we have made since then and we will continue to demonstrate the importance we place on rights through future similar reports.

Whilst recognising that we have made progress, we can still do more. Following last year's election, we identified a range of additional actions to add momentum to our work. Key to this is the introduction of our Children and Young People Bill to Parliament in 2013. The Bill will take on board the findings of our recent children's rights consultation and will include a range of measures which will improve how we recognise, respect and make real our children's rights. It will embed the *Getting it right for every child* approach across Scotland.

On several issues we do not need to wait for legislation. Over the following pages we describe the steps that we can take now, and I am keen to make progress in these areas quickly.

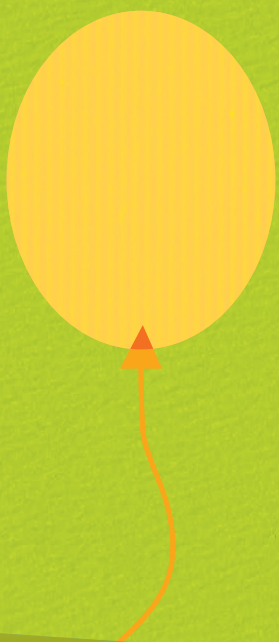
I hope you find this report helpful, both as an analysis of our work to date and as a benchmark for measuring our future progress. Scotland is on a journey to choose its future, and I look forward to working with you between now and our next report to the UN Committee in 2014 to improve the lives of children and young people across Scotland.

Aileen Campbell

Minister for Children and Young People

INTRODUCTION

This report is an update to 'Do the Right Thing' – the Scottish Government's 2009 response to the 2008 concluding observations from the UN Committee on the Rights of the Child. The Committee is next scheduled to consider our progress in 2014.



This report sets out the progress made in those priority areas the Scottish Government identified in 2009. It is also our formal response to Together Scotland's 2011 'State of Children's Rights' report and the UK Children's Commissioners' mid-term report on implementation of the UN Convention on the Rights of the Child (UNCRC). Finally, it sets out some of the additional steps we have committed to since the publication of our original response.

Recognising, respecting and promoting rights is essential if we are serious about improving the life chances of our children and young people. Since coming into Government in 2007, Ministers have taken significant steps to improve the ways children and families are supported. Helping children and young people understand and exercise their rights has been central to making all of this a reality.

The UNCRC helps us all articulate what makes for a safe, healthy, happy childhood and a good start in life. It underpins our approach to children's rights in Scotland, providing us with a framework for ensuring we consider children's rights whenever we take decisions. It is also central to the wider work we are doing to improve outcomes for all children and young people through, for instance, the implementation of *Getting it right for every child* (GIRFEC).

Children's rights are often described in abstract terms. But if we look at what we mean by rights for children and young people it quickly becomes clear how they can translate into the services and opportunities that we all should take for granted for them:

- Access to high quality healthcare, to education, and to additional support when needed.
- Protection from neglect and abuse, from substance misuse.
- Access to opportunities for play.

Yet, for many, rights still do not feel 'real'. This is something that Ministers are committed to changing.

Between now and 2014 we will continue to deliver improvements in those areas identified in both the initial action plan and this progress report. We will also deliver an ambitious piece of legislation which will help us to achieve some of the fundamental reforms necessary to ensure that Scotland is the best place in the world for children and young people to grow up.

We will continue to work with key stakeholders, including Scotland's Commissioner for Children and Young People and Together Scotland (The Scottish Alliance for Children's Rights) to monitor the progress we are making and to prepare for our next report to the UN Committee.

Key developments

Following the election, Ministers set out an ambitious vision for Scotland's children and young people. Central to that vision is the need to deliver services and support in a way which:

- places children at the centre;
- engages and allows them to participate in all the decisions which affect their lives; and
- routinely seeks their consent to information being shared where necessary to improve their wellbeing and to ensure early intervention, when appropriate, can be provided.

This shift in approach encourages prevention and early intervention. It recognises the importance of support, particularly in the early years, and is essential if we are to achieve better realisation of rights in Scotland.

A number of key additional actions have emerged which the Scottish Government believes are necessary if we are to deliver Ministers' vision and increase momentum around the rights agenda and so over the coming period we will focus our attention in the following areas:

Implementation of *Getting it right for every child*

We continue to work closely with Community Planning Partnerships (CPPs) across Scotland to drive the process of implementation, resulting in some level of progress with every CPP in Scotland. The degree of engagement and progress varies in scale and pace from area to area, but in each location progress is being achieved on implementing the core components of the *Getting it right for every child* (GIRFEC) approach. Our intention is to bring forward legislation in 2013 which will add to the pace of change. Combined with the work already underway, the legislation will support us in advancing the five key elements of GIRFEC:

- the Named Person;
- the Lead Professional;
- the management of risks and concerns;
- a single planning process; and
- the National Practice Model.

These provide the framework which we believe is essential to make rights real for children in Scotland.

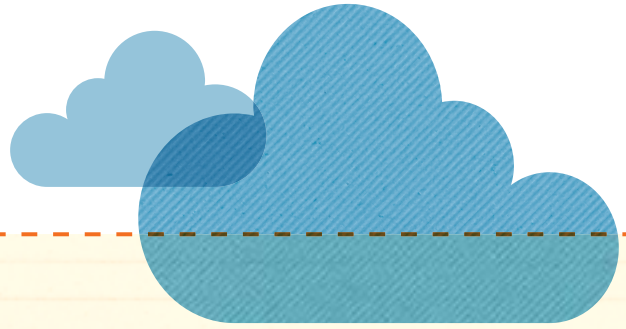
We are also working with the Care Inspectorate and Education Scotland to ensure GIRFEC principles are enshrined within the scrutiny of children's services. Scrutiny and self evaluation based on the core components of the *Getting it right for every child* approach will ensure that rights are respected and will be understood by children and young people.

Ensuring the systematic and consistent recognition of children's rights

We are committed to ensuring that children's rights feature in the planning, development and review of policies and services across Scotland.

In September 2011 we published a consultation paper on children's rights. The consultation indicated strong support for us to take steps to further strengthen our approach to children's rights. However, it also highlighted a lack of consensus about how this should best be achieved. Accordingly, we are keen to use the opportunity offered by the upcoming Children and Young People Bill consultation to better understand what legislation in this area could and should look like.

Based on the findings, it is our intention to bring forward legislative proposals on children's rights in Parliament in 2013.



Progress so far

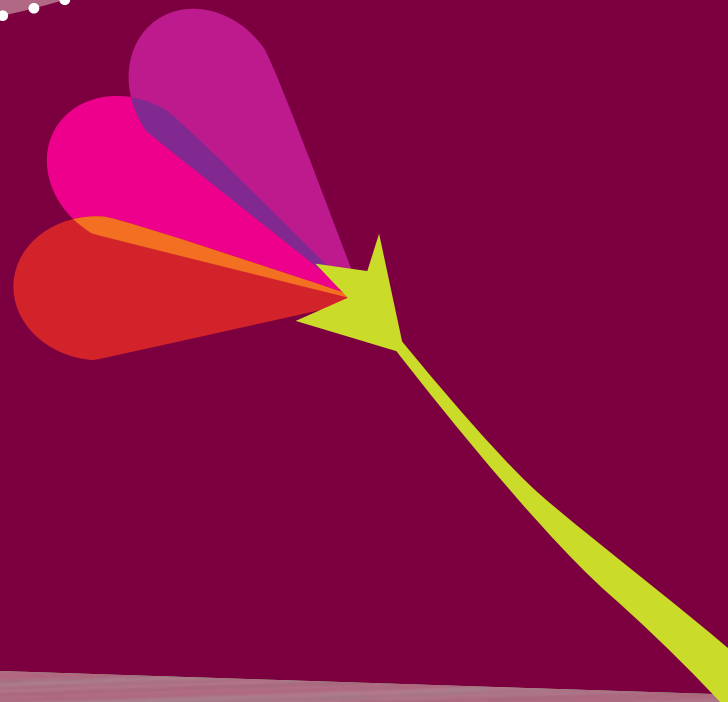
In 'Do the Right Thing' we identified 21 areas for priority action as a direct response to the UN Committee's 2008 concluding observations. We agreed to take forward a number of commitments in each area over the short to medium term in order to better implement the UNCRC in Scotland.

The following pages set out in detail our progress so far in implementing 'Do the Right Thing'. They also formally respond to Together Scotland's 2011 'State of Children's Rights' report (Annex A) and the UK Children's Commissioners' mid-term report on the implementation of the UNCRC across the UK (Annex B).

1 Ongoing monitoring of the UNCRC in Scotland

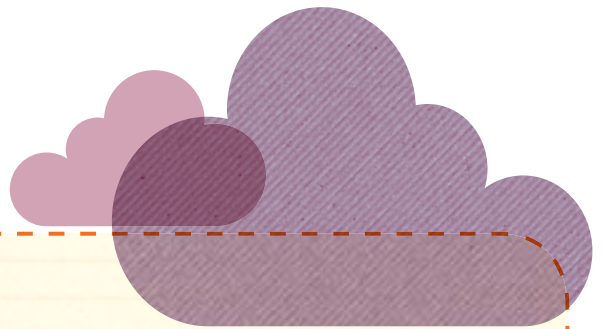
What the Committee said:

“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 rights 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.”



Progress to date

- We published 'Do the Right Thing' in 2009 to set out the Scottish Government's commitment to advance the rights agenda. This report is an update on that commitment.
- In November 2009 we jointly published 'Working Together, Achieving More' – a joint commitment by the four UK administrations to take action in response to the concluding observations of the UN Committee on the Rights of the Child.
- In partnership with Together Scotland and Scotland's Commissioner for Children and Young People, we have established the Scottish Children's Rights Implementation Monitoring Group. The group, which meets quarterly, has been tasked with developing a common understanding on progress to implement the UNCRC in Scotland as well as discussing emerging issues and, where possible, agreeing approaches and actions to address them. The group last met in April 2012.
- We have committed to annual meetings involving Ministers from each of the four UK administrations to discuss progress with implementing the UNCRC and to share examples of good practice. The last of these was held in February 2011. Meetings involving officials from each of the administrations are held quarterly, with the last discussion having taken place in March of this year.



Next steps

- We will commit to publishing interim reports during each subsequent reporting cycle in relation to the UNCRC.
- We will work with the other UK administrations to identify opportunities for progressing the actions set out in the joint commitment 'Working Together, Achieving More'.
- We will consider how other sources/methods can be used for gathering relevant information and monitoring progress on implementation of the UNCRC in a way that is consistent with the Scottish public sector context. Part of this work will involve further development of performance indicators which can be directly linked to children's wellbeing, in line with our *Getting it right for every child* approach to children's services, and linked with the planned inspection framework which the Care Inspectorate is currently considering.

2 Promoting children's rights in the Scottish Government



What the Committee said:

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



Progress to date

- We continue to work with colleagues across Government to highlight the links between children's rights and key Scottish Government policies. Examples of where our approach to children's rights has been used to inform policy development include:
 - the ongoing implementation of the Scottish Government's Early Years Framework;
 - the development of Scotland's first Child Poverty Strategy;
- the development of 'Getting it right for young carers' - our national strategy for young carers; and
- ongoing work to implement a common core of the skills, knowledge and understanding, and values, every worker (paid or unpaid) should have as a minimum if they work with children, young people and families.



Next steps

- Throughout the rest of 2012 and 2013, we will roll out a programme of awareness-raising and targeted training across Government, focussing specifically on children's rights. We will seek to engage the office of Scotland's Commissioner for Children and Young People, Together Scotland and UNICEF in the development of suitable resources to support this process.
- Throughout the rest of 2012 we will work with partners, including those mentioned above, to develop a child rights impact assessment model for use within the Scottish Government.



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

What the Committee said:

“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.”


Progress to date

- We continue to take forward the development of a common core of the skills, knowledge and understanding and values every worker (paid or unpaid) should have as a minimum if they work with children, young people and families. As a result of a consultation about this common core, we have produced a set of “essential characteristics” which are explicitly cross-referenced to the guiding principles of the UNCRC.
- We have supported Cl@n Childlaw with funding of approximately £40,000 per year. Part of their work involves providing children’s rights training for individuals and organisations involved in the delivery of services and support to children and young people.
- We have provided grant funding to support Together Scotland, who promote the UNCRC through, for example, regional seminars, national newsletters and annual reports.
- We have, and will continue to engage with, the National Children’s Rights Officers Network to help support increased awareness and understanding of children’s rights and the UNCRC.



Next steps

- We will continue to support the above activities in 2012-13.
- By the end of 2012 we will give professionals information about how effective implementation of GIRFEC supports implementation of the UNCRC.
- We will work with stakeholders over the course of 2012 to develop legislative proposals to further strengthen our approach to children’s rights, and to raise awareness and understanding of the UNCRC.
- We will publish information materials for parents and families focussing on the UNCRC.
- We will work with UNICEF and the Children’s Commissioner over the course of 2012 to identify how we can support increased opportunities for the UNCRC to feature in children and young people’s learning experiences.



4 Tackling negative perceptions of children and young people

What the Committee said:

“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.”



Progress to date

- We published our Framework for tackling antisocial behaviour, 'Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland' in 2009. One of its key aims is to counter negative stereotypes and promote positive role models. It was followed up with an implementation and communications plan and an annual report setting out our progress on implementing the Framework. The Scottish Parliament debated and agreed our approach to tackling antisocial behaviour in December 2010.
- We have supported Young Scot's work to set up a rewards scheme linked to their national entitlement card. The rewards scheme, launched in 2011, provides young people with an opportunity to earn points and collect rewards for taking part in positive activities in their communities as well as making healthy personal choices. The rewards focus on young people's learning and skills development.



Next steps

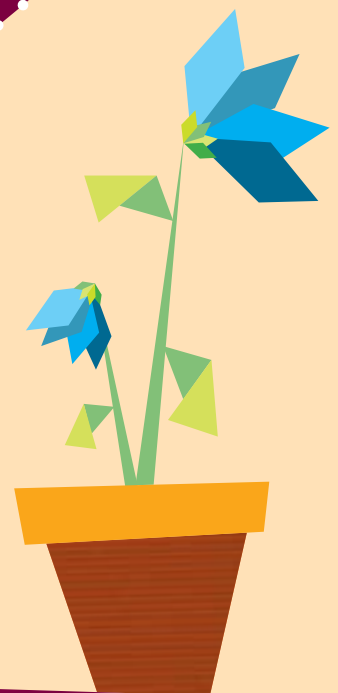
- We will take forward the commitments we made in *Valuing Young People* to recognise and promote young people's positive contribution to their communities, and their role as national and global citizens. *Valuing Young People* offers a range of principles and connections to support young people to achieve their potential and was agreed with a wide range of partners including COSLA, NHS, police and fire services as well as youth and education national organisations.
- We will work across Scotland to promote the positive involvement and representation of children and young people in the media. We will do this in partnership with children's and youth organisations including Young Scot, YouthLink Scotland, Scottish Youth Parliament and Youth Scotland.
- We continue to support the Youth Awards Network. Co-ordinated by Youth Scotland, the network highlights the positive contribution young people make to society. It includes over 20 recognised and accredited awards and certificates that young people can attain and which are recognised within Curriculum for Excellence. The focus of the network is to encourage children and young people to develop their own skills and improve the communities around them.

5 Gypsy/Traveller children and young people

What the Committee said:

“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.”



Progress to date

- Since 2009 the Scottish Government has funded organisations to deliver projects which specifically target Gypsies/ Travellers. The Scottish Government provided £380,000 in grant funding for site provision, projects and organisations working to improve outcomes for Gypsies/ Travellers in 2011-12.
- Funding of £120,000 over 2008-11 was provided to Article 12 to develop further engagement work with young Gypsies/ Travellers and to support community development work with the Gypsies/ Travellers communities, aimed at laying the groundwork for the eventual emergence of representative bodies for the communities.
- The One Scotland campaign was updated and repackaged in 2011 in the form of a USB stick containing material to help stakeholders meet these needs. The campaign will support stakeholders who deliver anti-racism messages on the ground as part of their wider education programmes. Gypsy/Traveller issues are covered in these materials.
- Funding of £125,000 was provided over 2008-11 to the Scottish Traveller Education Programme (STEP) to develop and implement an education strategy for Gypsies/Travellers and Travelling Show-people. This has included ground-breaking work on a virtual learning environment that helps young Gypsies/Travellers to stay engaged in education. Extra funding was identified during 2011-12 in order to enable it to continue.
- Funding for Gypsy/Traveller sites and facilities in Scotland has been included in the local government settlement since 2010 and is not ring-fenced. In 2011, the Scottish Government provided an additional £161,000 to two local authorities in areas of high demand to provide further sites for Gypsies/Travellers.



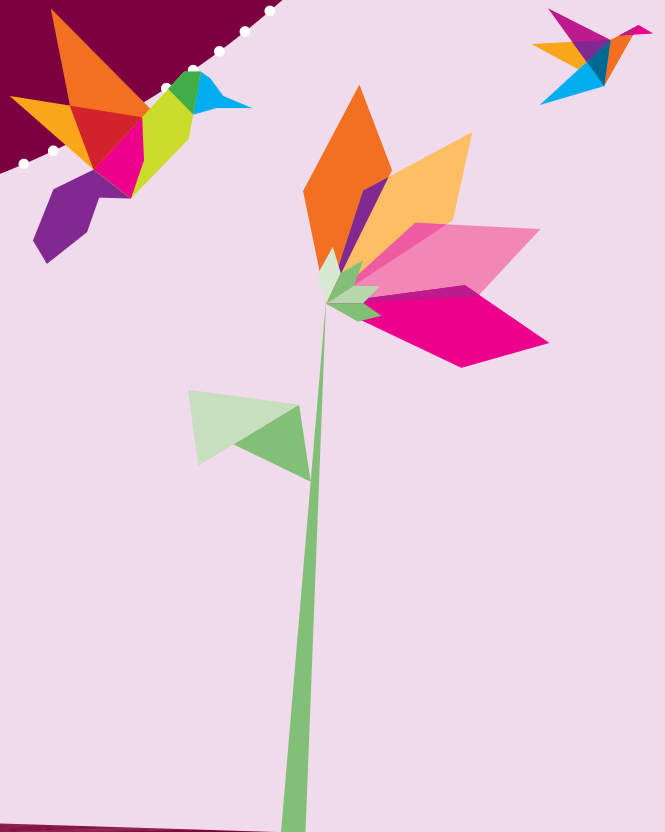
Next steps

- We recently reviewed the existing guidance on unauthorised encampments to ensure we are striking an appropriate balance between the needs and legitimate expectations of members of the settled community, local businesses, landowners and the Gypsy/Traveller community. It is clear from the recent review that the existing guidance needs to be updated and we will shortly begin discussions with partners in local government to take this forward. Any revision to the guidance will take the 'Operational Guidance - Management of Unauthorised Encampments', issued in October by ACPOS, into account.

6 Advocacy services for children and young people

What the Committee said:

“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.”



Progress to date

- We have developed the 10 core components of GIRFEC. These underpin the GIRFEC approach to working with children and young people which places them – and their views – at the centre of activity. The views of the child should be sought wherever possible at all stages and decisions should be made with the child or young person and their family wherever possible.
- We published the scoping study, ‘Advocacy makes you feel brave’, in early 2010. That report:
 - identified that, on the whole, advocacy was considered to be a core service in ensuring that children and young people’s rights were upheld;
 - recognised the need to promote, and increase awareness of, advocacy provision more effectively;
 - suggested that the quality of the advocacy relationship was the most important thing for children and young people;
 - suggested that provision was a bit of a post code lottery, with availability and quality depending very much on where a child lived; and, linked to this;
 - suggested there were gaps in provision, resulting in some people’s advocacy needs not being met; and
 - suggested that there was currently no strategic approach to ensuring the availability of high quality provision.
- In autumn 2010 we established a national multi-agency steering group to support us in meeting our commitment to improve the quality, consistency and availability of advocacy support for children and young people.
- On 14 November 2011 we published the national consultation paper, ‘Improving Advocacy for Children and Young People: Principles and minimum standards’. The paper proposed a set of national principles and minimum standards to be applied whenever advocacy support is being given to a child or young person. The consultation closed on 29 February 2012.



Next steps

- We will analyse the responses to the consultation on principles and minimum standards and publish a report setting out key findings in June. As part of this process, we will publish a separate report for children and young people.
- We will reconvene the national steering group later in the year to consider the findings of the consultation and the implications for the next stage of this work.



7 Participation of children and young people in schools

What the Committee said:

“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.”

Progress to date

- Education Scotland have worked with the Scottish Youth Parliament to develop a training resource – V3 Vote, Voice, Valued – aimed at maximising the potential of pupil councils in schools. The resource helps support the delivery of Curriculum for Excellence, and aims to encourage young people’s participation in pupil councils and in having a direct influence on matters that personally affect them.
- Education Scotland ran a professional development event in March 2012, at which teachers heard from schools already exhibiting effective practice in pupil voice for global citizenship education. The Children’s Commissioner delivered a keynote address.
- The GIRFEC core components will also apply to staff working in schools. Coupled with Curriculum for Excellence the GIRFEC approach when implemented will help ensure that each child has opportunities both to express views and have them listened to.



Next steps

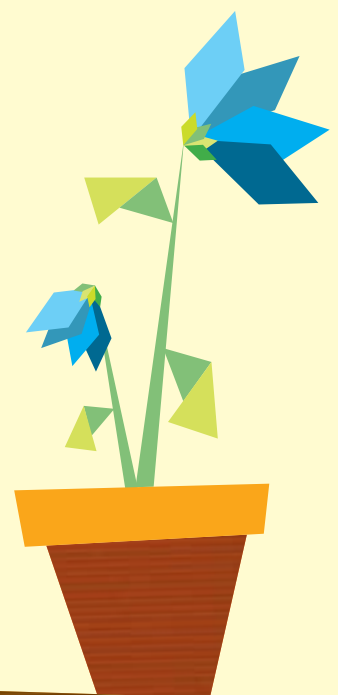
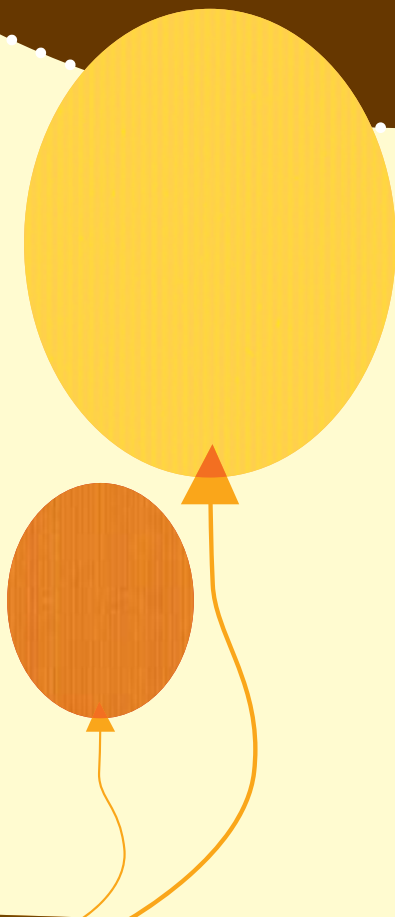
- Education Scotland will continue their small-scale funding to local authorities for peer-support teacher exchange.
- The Scottish Government provides funding to Keep Scotland Beautiful to run the Eco-Schools programme. Pupil participation is central to the success of the programme, with over 40 per cent of Scottish schools achieving a Green Flag, the highest award level.
- The Scottish Government has provided funding to Children in Scotland and the Scottish Youth Parliament to create BeXcellent, a web-based, interactive resource to support children and young people’s understanding of, and participation in, Curriculum for Excellence. The resource will be made available in May 2012.
- The Scottish Government is currently joint-funding (with Midlothian Council) the ‘Putting Learner Voice at the Heart of Learning and Teaching: Developing a Pathfinder Approach for Local Authorities’ project. Teachers, children and young people talk together and share experiences. They explore new ways for the children and young people to shape Curriculum for Excellence and change classroom dynamics.

8 Mosquito devices



What the Committee said:

“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.”



Progress to date

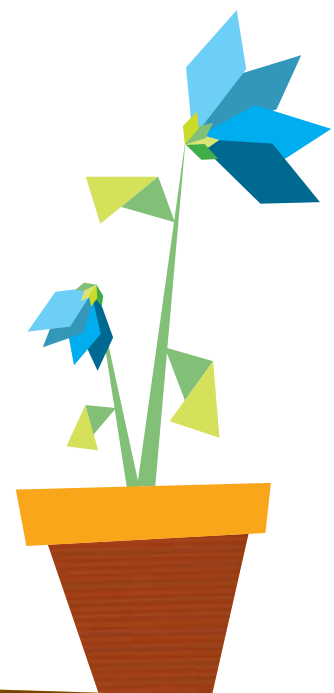
- The Scottish Government has made clear that it does not support the use of mosquito devices.
- In early 2011 we approached a group of local authority antisocial behaviour practitioners to try and gauge the level of use of the device across Scotland. We asked if they were aware of the mosquito device; were aware of it being used in their local

authority area; whether their authority had expressed a public view on it; and whether anyone had raised concerns about use of the device. Of 32 local authorities, 20 responded. All were aware of the mosquito device. Only six told us they were aware of the device being used in their area, and three of the six responses indicated it was historical. Only one of the respondents indicated that anyone had raised concerns with them.



Next steps

- The Public Petitions Committee is currently considering Petition 1367 which calls on the Scottish Parliament to urge the Scottish Government to ban the use of the mosquito and other similar devices. We will continue to engage in the Committee's consideration of the petition as appropriate.



9 Promoting positive forms of parenting



What the Committee said:

“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.”



Progress to date

- We have worked with partners at local level to implement the Early Years Framework with the aim of shifting the balance of care from crisis management to early intervention and prevention.
- Feedback from participants at a national parenting seminar held in June 2009 has been used, along with evidence from the Growing Up in Scotland (GUS) study, to help inform and shape our policy on support for parenting.
- We have established an Early Years Task Force to lead the drive to preventative spend at a national level. This will be supported by the establishment of a £270 million Early Years Change Fund over this Parliamentary term. The Taskforce will co-ordinate policy across Government and the wider public sector to ensure that early years spending is prioritised by the whole public sector.
- We have set up a £6.8 million Early Years Early Action Fund which supports the third sector to focus on early intervention in the early years.
- The first to benefit from the Early Years Change Fund will be the new Communities and Families Fund. With £1.5 million per annum over the next three years it will support projects that bring tangible benefits for children and families, such as community playgroups/crèches, wrap-around care provision, parents' groups and wider family support. It recognises that parents, families and communities have the biggest positive impact on children in their earliest years and we need to make sure the right support is in place. We want to empower our communities to shape the provision they need in their local area.
- We are currently undertaking a review of the Unified Voluntary Sector Fund which was established in 2004 and has never been fully reviewed. The review reflects our commitment to ensuring that national funding is being used to support Scottish Government priorities, particularly in preventative spend.
- In January 2010 we set up a 'test' site for the Family Nurse Partnership Programme in the City of Edinburgh, within NHS Lothian area. A formative evaluation has been undertaken, and the first report was published in July 2011, showing early signs of positive results against the expected outcomes. Due to the success in Lothian, we have expanded the programme across NHS Tayside. Further expansion plans were announced on 1 December 2011, to increase the capacity across Scotland, to support three times as many families by the end of 2013. We are currently working with NHS Boards to assess their capacity to deliver the programme, and expect five new NHS Boards to be delivering the programme within the next two years.

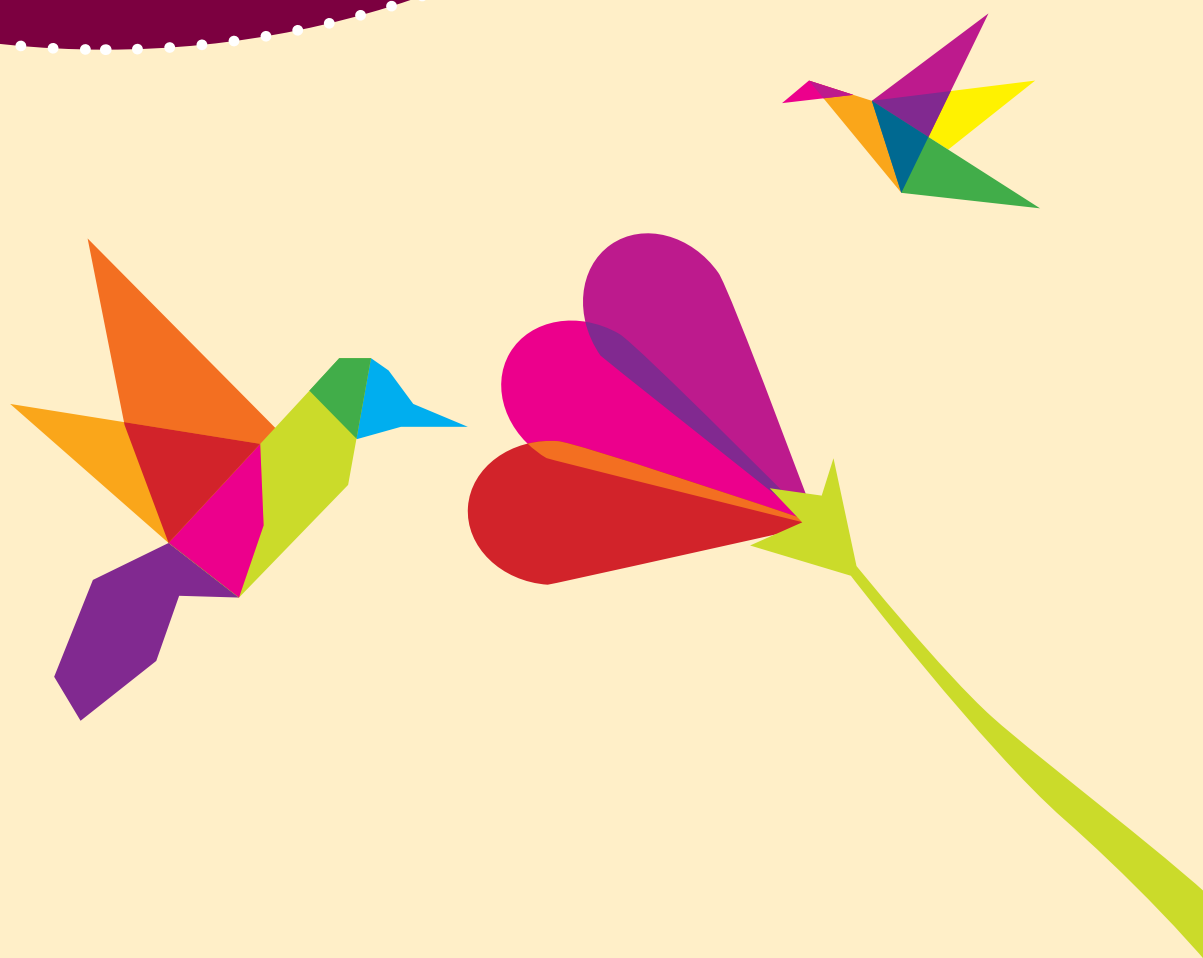
- We invited nearly 100 organisations across Scotland to host discussions with parents between January–March 2012 on our behalf. These discussions will help us understand what would make a real, practical difference to them so that we can develop a meaningful parenting strategy (see ‘next steps’). We are also asking them what are the best things about being a parent, because the parenting strategy will celebrate parenting, and demonstrate the value we place on parents and carers. We plan to publish a report of what parents have told us in June 2012.
- Further information on the work we are doing to support corporate parents is included under priority action area 11.



Next steps

- We are developing a national parenting strategy that encourages agencies to work more closely together. We recognise that supporting parents is key to improving outcomes for children and young people. The parenting strategy will help ensure parents get the help they need, when they need it, and that services are delivered in an integrated way, by a well-trained and well-supported workforce. The parenting strategy will benefit not only mums and dads, but grandparents and other family members, as well as foster and adoptive parents. It will cover anyone involved in bringing up children and will cover parenting of children of all ages – from pre-conception and early childhood, through school years and adolescence to adulthood.
- We are gauging practitioners’ views on parenting through a variety of professional networks and looking to engage with children and young people, all of which will help shape the detail of our approach.
- We intend to publish a national overarching parenting strategy later in 2012. This will be followed by more detailed work which will consider how we can support parenting in the early years, parenting of older children through to adulthood, and preparing our children and young people to be the parents of the future.
- We will continue to fund Scottish Book Trust for the Bookbug bookgifting programme (baby, toddler and pirate packs) in Scotland. We have increased funding to £1.5 million from 2012-13 to incorporate an assertive outreach programme within a number of vulnerable communities as well as the production of a new ante-natal pack.

10 Young carers



Progress to date

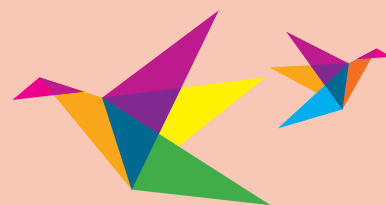
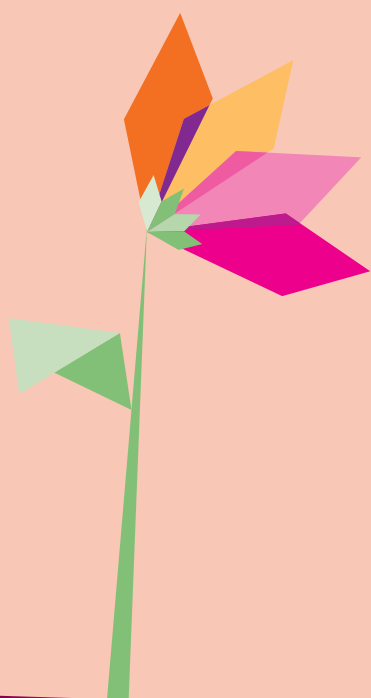
- *Getting it right for young carers* was published in July 2010. The Strategy acknowledges the vulnerability of young carers and will support us in securing better outcomes for those children and young people.
- From August 2012 education authorities have agreed to ask their schools to start recording which of their pupils are young carers. This information will be collected by the Scottish Government for the first time in our next annual census.
- In June 2011 the Scottish Government launched and funded the national Young Carers mascots **Eryc** and **Trayc**. The characters are being used to support young carers to identify themselves.
- A primary school toolkit was launched in December 2011. This helps primary school teachers to identify, support and signpost young carers to sources of help.
- The Scottish Government has funded the Scottish Young Carers Service Alliance to employ a Scotland-wide mental health coordinator. The coordinator has produced self-help resources for young carers, and other resources for professionals to help develop coping strategies for young carers, and help them feel better about themselves.
- For the past four years we have funded a Young Carers Festival. The festivals have given a total of around 2,000 young carers a short break and a chance to meet others in similar circumstances. As well as a break, and some extra support, it's somewhere their views will be heard, and a chance to influence policy-makers. It's also an opportunity for fun activities and play.



Next steps

- Listening to what young carers told us at the fourth festival in 2011 we have agreed to pilot a young carer's authorisation card in six areas. This will allow young carers to get access to agreed information about the person they care for, to help them fulfil their role.
- Young carers also told us they would like to see a fifth Young Carers Festival with an additional overnight stay. Listening to what young carers told us the Scottish Government will continue to fund the Young Carers Festival for a fifth year with an additional overnight stay.

11 Improving outcomes for looked after children



Progress to date

- We are working with Who Cares? Scotland to develop and deliver a national training programme for corporate parents. The aim of the training is to raise awareness of the duties and responsibilities corporate parents have for looked after children, young people and care leavers and to highlight the challenges this group of children and young people face.
- We supported Who Cares? Scotland to roll out 'Give Me A Chance', Scotland's first anti-stigma campaign specifically designed to address the misconceptions and negative attitudes towards those who have experience of the care system.
- Following publication of the 'National Residential Child Care Initiative' (NRCCI) we established the Looked After Children Strategic Implementation Group (LACSIG). This group is leading and driving forward a programme of work to help implement national policy, focussing on the key areas of action identified in the NRCCI report.
- Following on from the Securing Our Future Initiative (SOFI) and NRCCI recommendations, 12 beds in the secure unit estate were mothballed during 2009-10. A children's services national commissioning steering group was established in December 2009. This group brought together the Scottish Government, COSLA, providers, regulators and other interested parties to agree a service specification and national contract for secure care services. The secure care contract was awarded on 1 July 2011 for one year initially with the option to extend for a further year.
- We fund the Centre for Excellence for Looked After Children in Scotland (CELCIS) which is focussing on providing consultation services, research and development projects, qualifications and professional development opportunities, and policy advice and direct implementation work.
- We have created Scotland's Adoption Register in order to improve the opportunities for looked after children to be adopted.
- We have launched the National Training, Advice and Support Service for kinship carers which will act as a national kinship representative organisation and will offer sustainable support to kinship carers, local authorities and other agencies.
- We have developed the GIRFEC National Practice Model for use by all practitioners working with children and families, including looked after children. The model encourages an outcomes-focussed approach to assessment analysis and planning for individual children. When implemented, the approach supports work with looked after children to improve and measure their outcomes in the eight areas of wellbeing – safe, healthy, active, nurtured, achieving, respected, responsible and included.
- The GIRFEC approach also supports a planning framework within which any specific activity – for example, a care and permanence plan – can fit.



Next steps

- We will Implement our Care and Permanence Plan, with a focus on streamlining and reducing the obstacles which can affect safe, stable and secure placements for looked after children. This plan takes forward the commitments outlined in the Scottish Government's response to the Scottish Children's Reporter Administration (SCRA) report on care and permanence last summer.
- Throughout 2012 we will implement our Throughcare and Aftercare Plan to improve outcomes by strengthening Corporate Parenting. As part of this work we will:
 - review the Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003 and associated guidance;
 - revise the pathway plan/assessment materials to ensure they align with GIRFEC principles;
 - update 'We Can and Must Do Better' and 'These Are Our Bairns' training materials.

We will seek the views of young people throughout this work.

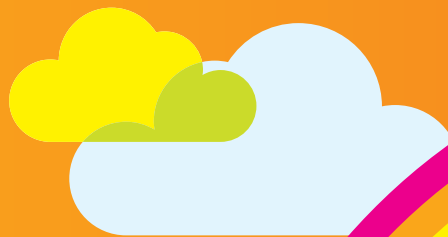
- We will develop a national contract for use by those commissioning residential services. The contract will set clear expectations about the quality of care and outcomes for children. The contract will also embed the GIRFEC principles of working together in the best interests of children and young people. Consultation will ensure that the views of young people are taken into account.
- We have asked the Scottish Social Services Council (SSSC) to develop standards for a degree level course for residential child care practitioners.
- We have commissioned research on the role of external management in residential care which will also focus on supervision and support for practitioners.
- There continue to be concerns around the lack of improvement in educational outcomes and school attendance for children who are looked after at home. We are making recommendations to LACSIG for further consultation and possible research to identify where the gaps in support exist.



12 Children of prisoners

What the Committee said:

“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.”



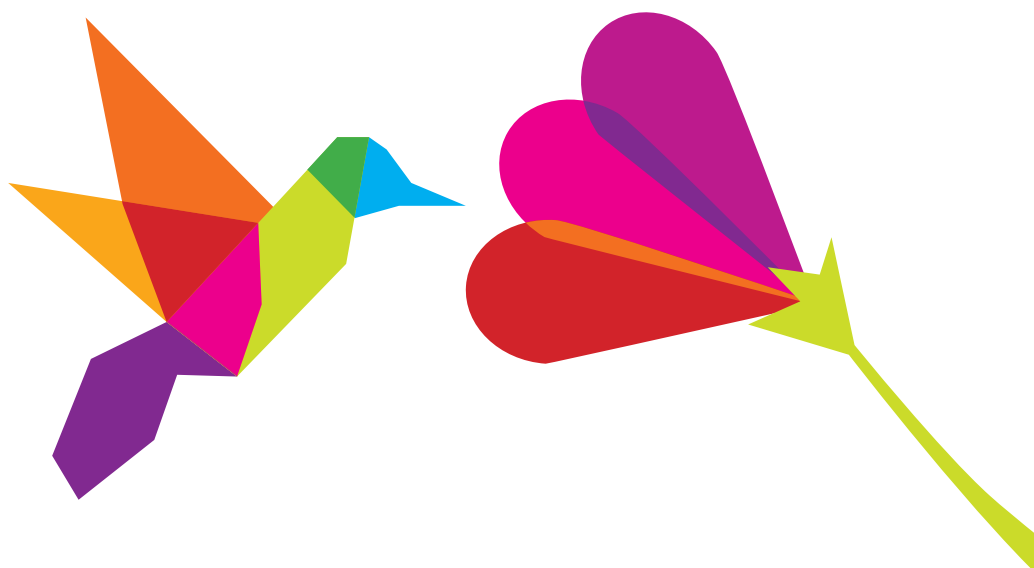
Progress

- There are now Family Strategy Groups in every prison in Scotland. They are made up of representatives from a wide range of agencies and services, all of whom are working together to improve the quality of visits for children and their families.
- In 2011-12, we provided funding totalling approximately £105,000 to Families Outside – a national charity that works solely to support the families of people involved in the criminal justice system.

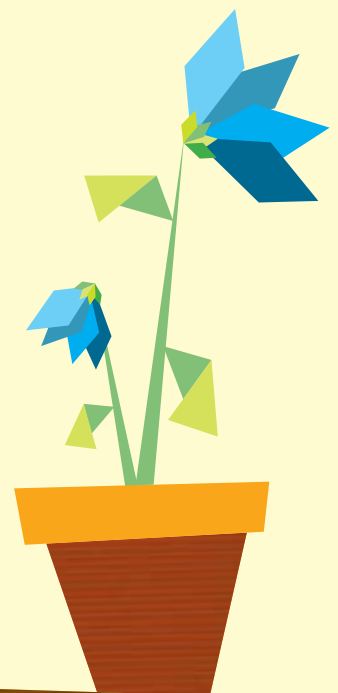
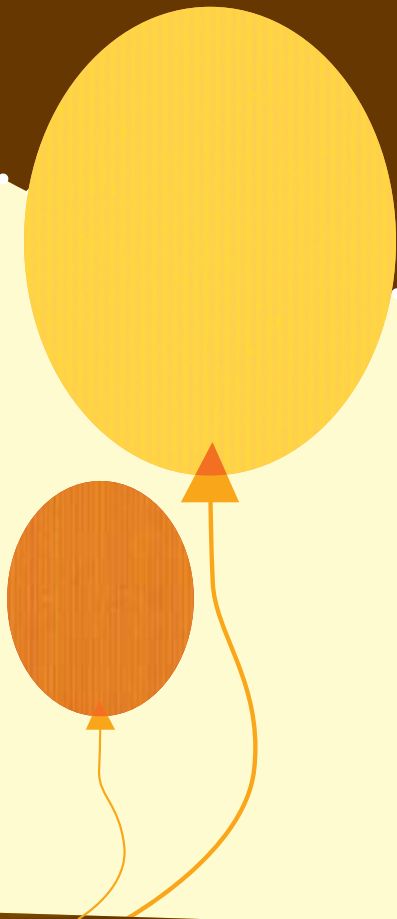
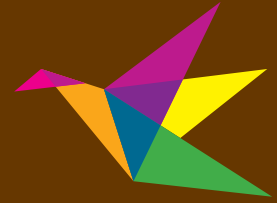


Next steps

- The Scottish Prison Service will continue to support Family Strategy Groups as they work to enhance family contact within prisons and share examples of good practice.
- We will work with Scotland's Commissioner for Children and Young People to identify further actions in light of their review of the 2008 report 'Not Seen, Not Heard, Not Guilty'.



13 Private fostering



Progress to date

- Following the publication of the '*Getting it right for every child in foster care and kinship care*' national strategy document by the Scottish Government in 2007, the Scottish Government asked the Care Inspectorate to pay particular attention, during the 2008-09 inspection period, to private fostering arrangements and to make recommendations on how these should be best addressed. The report, 'Private fostering - the unknown arrangement?', published in March 2010 was the Care Inspectorate's response to that request. The report made nine recommendations and a short-life working group was established to progress these. The group involved representatives from Scottish Government, Care Inspectorate, COSLA, the British Association for Adoption & Fostering and the Fostering Network.
- We have carried out a comparison of English and Scottish legislation and checked with Scottish Government solicitors about any possible changes to legislation. We have concluded that the law is fit for purpose.
- We wrote to Directors of Social Work/ Children's Services and Chief Social Work Officers in August 2010 highlighting the report and its recommendations. This resulted in many local authorities adding information to websites on private fostering and linking to the SG leaflet, 'Are you looking after someone else's child?'.



Next steps

- We have drafted guidance for universal services, highlighting the risk that private fostering arrangements may be used to cover up trafficking of asylum-seeking children and young people. We plan to consult on this in May 2012.
- An awareness-raising campaign is being planned to coincide with the publication of the guidance.



14 Disabled children

What the Committee said:

“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;
- (f) Consider ratifying the International Convention on the Rights of Persons with Disabilities and its Optional Protocol.”

Progress to date

- We accepted the majority of the recommendations in the Children's Commissioner's report 'Handle with Care' and committed to doing the following:
 - developing new guidance on a range of issues connected with moving and handling; and
 - taking action to better communicate the nature of the legislative framework underpinning moving and handling practice to practitioners and to children and young people as service users. Rather than inventing new mechanisms, we will seek to do this through new guidance as well as existing communications channels across a range of relevant sectors.
- The Scottish Government involved a wide range of stakeholders in gathering information and identifying relevant issues, and in conjunction with the Children's Commissioner and Capability Scotland, is developing a practical guide about moving and handling issues for professionals working with disabled children. The guide will be published later in 2012.
- We have worked closely with the For Scotland's Disabled Children Coalition's Liaison Project to support and improve the lives of disabled children and their families, including transitions, short breaks and education issues. On short breaks, the Scottish Government recently committed £2 million of funding for short breaks for disabled children. £1.3 million will be available for organisations to provide short breaks for disabled children and young people with multiple support needs and their families. A further £558,450 will provide direct funding to families caring for a disabled or seriously ill child to choose their own break, or purchase items such as camping equipment or bicycles.
- We are committed to listening to the views of disabled children and young people and their families. With this in mind, we asked For Scotland's Disabled Children (FSDC) to sample the views of disabled children and young people including what they think about their lives and the services they use. This information will be fed into a range of policies, including the Children and Young People Bill development and GIRFEC.

- The Office of Disability Issues (ODI) published the UK report on the rights of people with disabilities to the UN Committee in November 2011. 'Achieving our potential' is the UK Government's discussion document for implementing reserved matters. The Scottish Government and other devolved administrations are considering implementation and monitoring of the UNCRDP through the existing structures of the Independent Living Programme and the Equality Act 2010. Regular meetings are held between the member state (the UK Government) and the devolved administrations in Scotland, Wales and Northern Ireland on progress.
- We have established the Additional Support for Learning Advisory Group comprising key stakeholders representing local government, voluntary sector, teaching unions and service providers to inform both our future policy development and our plans to improve practice.
- We undertook a national review of services for disabled children and published a report and action plan in February 2011. A progress report on the action plan will be published in summer 2012.



Next steps

- The Scottish Government has considered the issues relating to disabled children and child protection, and has consulted a number of experts such as social work managers, academics and disability organisations. As a result, a working group of experts in the field of child protection and disability will shortly be established. This group will produce materials to support child protection professionals working in families where disability is an issue.
- We will shortly publish a report to Parliament on the implementation of the Additional Support for Learning legislation. This report is the first of four and sets out how the legislation is being implemented. It highlights that some children and young people are very well served by the system but that some, whose additional support needs are 'hidden' – for example, young carers, looked after children and young people – are less well served. We will develop, in partnership with key stakeholders, a long-term plan to support the implementation of the legislation. It will be published in summer 2012.

15 Improve outcomes for teenage parents

What the Committee said:

“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.”



Progress to date

- One of the main aims of the Family Nurse Partnership Programme is to improve the economic self-sufficiency of the family and to reduce their reliance on welfare benefits. Focussing on their aspirations, both for themselves and their children, it allows them to explore opportunities to create a better life for themselves through employment, work experience and/or education. An anticipated outcome of the programme is for young parents to plan future pregnancies, and to space these better. Guidance on good sexual health practices, including contraception, is included in the programme the Family Nurses deliver. Information on roll out of the approach is included under priority action area 9.
- The needs of teen parents continue to be prioritised through the Scottish Government's 'Sexual Health and Blood Borne Virus Framework 2011-15'. The Scottish Government approach is to support a more targeted multi-agency approach to reach those most likely to have poor sexual health outcomes.
- Healthcare Improvement Scotland published sexual health service standards in 2008 to support *Respect and Responsibility* and all NHS Boards were visited and reviewed during 2011 on their progress in implementing the standards. All boards were found to have met the three standards relevant to this group, namely:
 - There is evidence of active engagement of local key partners including health, education, social work, youth services and the voluntary sector, to improve sexual health for young people and reduce teenage pregnancy.
 - There are targeted interventions in place for young people at greatest risk of teenage pregnancy and poor sexual health, including looked-after children.
 - The NHS Board supports the delivery of sex and relationship education training for professionals in partners' organisations such as youth workers and social workers, who work with the most vulnerable young people.
- All local authorities in Scotland are delivering age-appropriate relationship, sexual health and parenthood education in their schools through Curriculum for Excellence. This education could include topics such as puberty, how to access sexual health services, sexually transmitted infections, contraception, and the complex role of being a parent. Young people will be encouraged to discuss these subjects with their peers and parents, to help them gain knowledge, and the skills to become confident in making healthy lifestyle decisions for themselves.

- We published 'Safe and Well', a national handbook for staff, school and education authorities involved in the care and welfare of children and child protection in 2005. More recently national guidance on child protection was launched in December 2010, and we will soon be looking at what support is most suitable for education staff - in terms of equipping them with the knowledge and understanding of what to look out for and how to take their concerns further.
- We have established the Additional Support for Learning Advisory Group made up of key stakeholders representing local government, voluntary sector, teaching unions and service providers to inform our future policy development and inform our plans to improve practice.



Next steps

- We will continue to monitor progress in relation to the actions set out in the 'Sexual Health and Blood Borne Virus Framework 2011-15' through annual visits to boards during the lifetime of the Framework.
- We will develop, in partnership with key stakeholders, a long-term plan to support the implementation of the additional support for learning legislation which will be published in summer 2012. The plan will incorporate work already underway in related policies to improve services and will incorporate the work of the Advisory Group over the next two years to improve services through strategic approaches.

16 Support delivery of Curriculum for Excellence health and wellbeing experiences and outcomes

What the Committee said:

“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.”

Progress to date

- The Scottish Government has worked, and continues to work, closely with Education Scotland, NHS and other partners to support the delivery of the health and wellbeing experiences and outcomes.
- A variety of resources are available to build confidence and support the professional development of teachers to deliver the health and wellbeing experiences and outcomes.
- Education Scotland has established a Health and Wellbeing National Glow Group which facilitates discussions between school practitioners from across Scotland.
- The Scottish Government works closely with Education Scotland, NHS and other providers and sectors to create strong partnerships which ensures consistent messages about health and wellbeing.



Next steps

- The Scottish Government will continue to work closely with Education Scotland, NHS Scotland and other partners to support the delivery of the health and wellbeing experiences and outcomes.
- In conjunction with Education Scotland, NHSScotland and other partners, the Scottish Government will develop a national strategy and action plan for health and wellbeing in schools, by the end of 2012.
- The Scottish Government will continue to work with, and support, youth work and youth information organisations to provide relevant and accurate information that encourages young people to make healthy and positive life choices.



17 Child poverty

What the Committee said:

“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.”

Progress to date

We have:

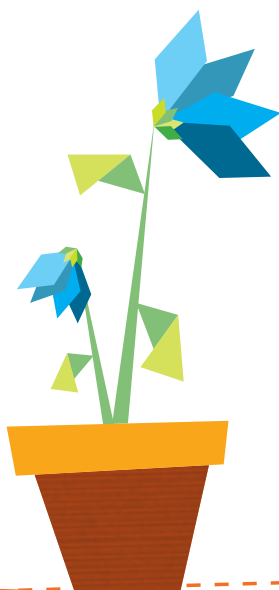
- published the 'Child Poverty Strategy for Scotland', as required under the Child Poverty Act 2010, in March 2011; and
- with COSLA, established the Tackling Poverty Board to oversee and drive forward policy and practice to reduce poverty in Scotland in September 2009. Its remit was to:
 - scan the horizon so that new challenges and opportunities are identified as early as possible;
 - monitor and challenge how partners are implementing the key actions in *Achieving our Potential*, and the action being taken to meet the child poverty targets and the solidarity purpose target; and
 - identify and promote the actions that can make a real impact on tackling inequality, poverty and the drivers of low income.

Further information on the Board's work, including commissioned research, is at www.scotland.gov.uk/Topics/People/tacklingpoverty/TacklingPovertyBoard



Next steps

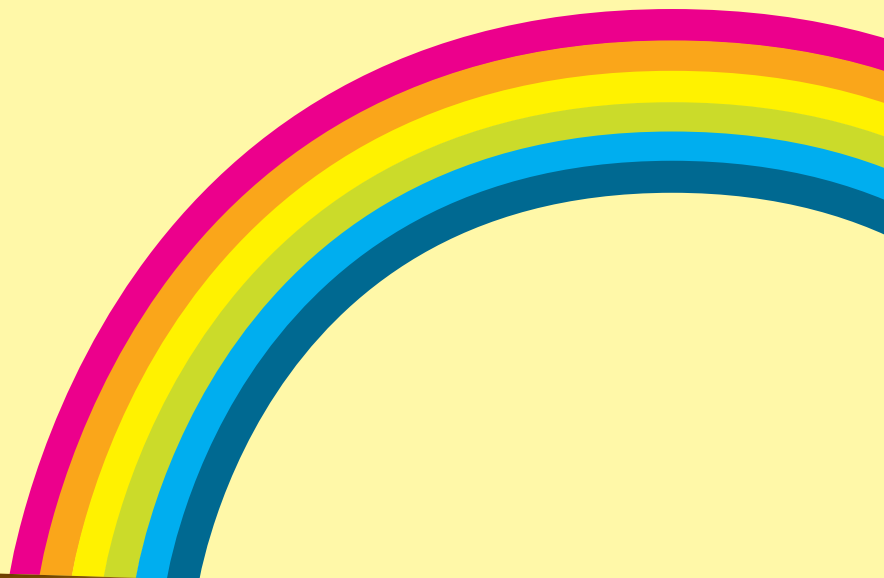
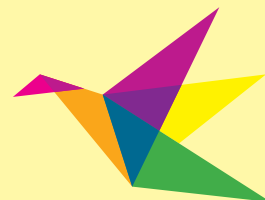
- We will produce annual progress reports on the Child Poverty Strategy for Scotland and refresh it on a three-yearly basis. The first progress report was laid before the Scottish Parliament on 22 March 2012.



18 Play

What the Committee said:

“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.”



Progress to date

- The two-year £4 million Go Play fund ended in December 2011. Its purpose was to promote free play opportunities and build capacity in the play sector, through Inspiring Scotland's venture philanthropy model. Part of the project included the creation of an Outcomes and Evaluations Framework in partnership with Evaluation Support Scotland and a subsequent logic model and play framework. Following the successes of Go Play's most positive results we have invested a further £3 million funding package over three years from 2012-13 (Go2Play) which will continue to help build capacity in the sector and focus on promoting free play opportunities through play rangers and providing a number of enhanced landscapes for play.
- The Scottish Government's PlayTalkRead campaign aims to encourage parents and carers to play, talk and read more with their babies and young children to help drive home the importance of positive interaction with their children from day one. The project's primary aim is to offer practical support and ideas on how to create the best foundations for children's development. Now in its third phase, PlayTalkRead is touring Scotland on a bespoke bus, visiting the hearts of communities, covering all 32 local authority areas in its first year.



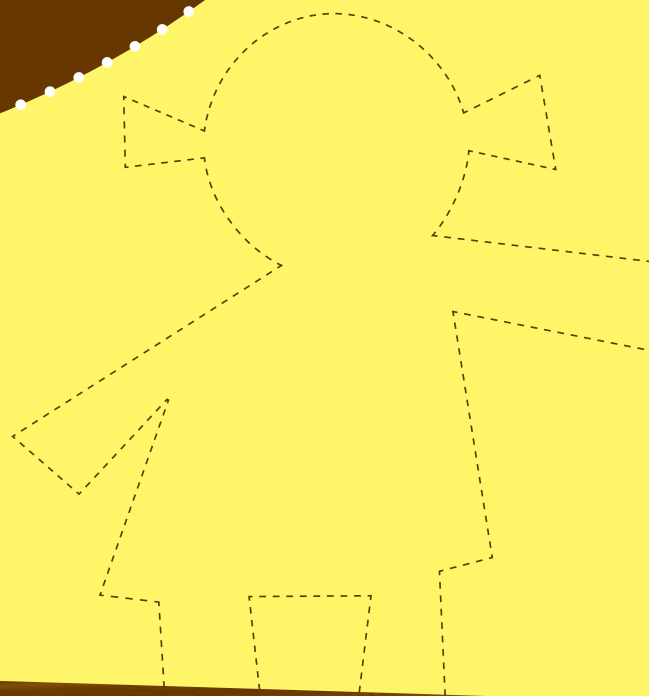
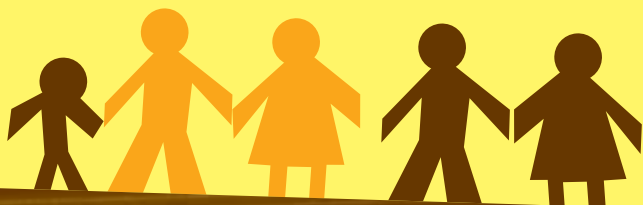
Next steps

- We will work with Inspiring Scotland to fund play rangers in Glasgow, North Lanarkshire, Aberdeen, East Ayrshire and Dumfries and Galloway.
- We will continue to work with Grounds for Learning towards the creation of enhanced play spaces in Stirling, Clackmannanshire and South Lanarkshire in the first year.
- We will continue to develop the PlayTalkRead campaign, building on the successes to date.

19 Better support for unaccompanied asylum seeker children

What the Committee said:

“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.”



Progress to date

- The Scottish Government remains involved in the development of the age assessment toolkit that is currently being taken forward by an independent consultant on behalf of the Scottish Refugee Council. Once the toolkit is finalised we will consider how those expected to carry out age assessments can best be supported in using it.
- Separated children are cared for by the local authority regardless of their country of birth. *Getting it right for every child* sets out a child-centred, multi-disciplinary practice model promoted by the Scottish Government. To help local authorities with the specific issues that affect separated children, the Scottish Government is part-funding the Scottish Guardianship Service, which offers specific support with the immigration process to local authorities.
- Through the funding of the Scottish Guardianship Service, the Scottish Government enables separated children to learn about the welfare and immigration processes directly, making the information relevant to their specific circumstances.



Next steps

- In the coming year we will discuss with our partners if and how a national guardianship service can be continued and to this end we have asked the service to provide cost models for an up-and-running service. We will discuss these with our current funding partners as well as potential new ones. Ultimately, continued funding will depend on the shape of future budgets and, of course, on the evaluation findings for the current service.

20 Child trafficking and sexual exploitation



What the Committee said:

“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.”



Progress to date

- The Scottish Government has been working with local authorities to improve the way information is recorded in relation to the abuse, neglect and exploitation of children. This information should be available for the first time in the 2011-12 Child Protection Statistics, due for publication in February 2013.
- The Scottish Government's revised 'National Guidance for Child Protection' (published in December 2010) contains a dedicated section on child trafficking, which places child trafficking firmly within child protection practices. Local agencies should have protocols on child trafficking in place and all staff should be aware of these protocols.
- Other issues connected to child sexual exploitation such as online safety, runaways, systematic and complex abuse, forced marriage as well as child trafficking are covered separately, and in significant detail, in the National Guidance for Child Protection. The Guidance is to be reviewed in 2012 and it is expected that the sections on child sexual exploitation will be further strengthened during this process.



Next steps

- The Scottish Government has recently commissioned the University of Bedfordshire to examine the extent and nature of child sexual exploitation in Scotland. The Scottish study will bring together all the information on the scale and scope of child sexual exploitation for the first time in Scotland. The final report is due to be published this summer.
- Training and awareness raising for staff are primarily matters for the agencies concerned. Through its current work with Child Protection Committees, the Scottish Government plans to work with practitioners to explore any further action needed to strengthen skills and awareness of child trafficking and child sexual exploitation within Scotland.

21 16 and 17 year olds in the youth justice system



What the Committee said:

“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.

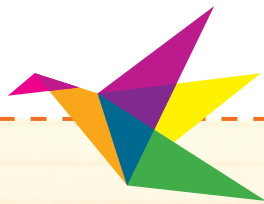
The Committee recommends that the State party conduct an independent review on ASBOs with a view to abolishing their application to children.”

Progress to date

- The Scottish Government has prioritised work that supports partners to develop a 'whole system approach'. This approach involves putting in place streamlined and consistent planning, assessment and decision-making processes for young people under 18 who offend, ensuring they get the right help at the right time. The ethos of the whole system approach is that many young people could and should be diverted from statutory measures, prosecution and custody through early intervention and intensive support in the community. The Scottish Government has worked with key partners to develop and publish a number of guidance documents and toolkits to support implementation, including:
 - the *Framework for Risk Assessment, Management and Evaluation for Young People*;
 - the *Diverting Young People from Prosecution* toolkit which promotes greater use of diversion from prosecution as well as the need for child-specific diversion programmes;
 - *Reintegration and Transitions* guidance which promotes the continuity of support into adulthood;
 - *Assisting Young People aged 16 and 17 Year Olds in Court*. The purpose of this toolkit is to share the best practice which has emerged, and to assist those who are involved with young people under 18 who are appearing in court, to develop efficient and effective local approaches to handling these cases; and
 - *Alternatives to Secure Care and Custody* guidance which promotes a number of options for the courts such as remitting cases back to the children's hearing system, intensive fostering, intensive support and monitoring services and deferred sentence. The aim is to increase the use of such options by ensuring that they are supported by appropriate risk and need assessments, tailored intervention, and consistent decision making.
- The Criminal Justice and Licensing (Scotland) Act 2011 introduced provisions that abolished 'unruly certificates' ending the very rare practice of remanding 14 and 15 year olds in the prison estate. Accordingly, no legal mechanism exists for the courts to either remand or sentence a young person under age 16 to prison estate.

- The Scottish Prison Service (SPS) recognises the vulnerability and significant care requirements of offenders sentenced to a period of imprisonment when they are under 18. The SPS is committed to caring for, and meeting the needs of, young people in custody through their Strategy Framework for 16 and 17 Year Olds in Custody. A dedicated facility – Blair House – has been set up in HM Young Offenders Institute Polmont to care for all male under-18s who are admitted. No young people aged 18 or over are accommodated in this dedicated facility. Youth workers –

employed by Barnardo's – work with prison staff and social workers through our 'Plan B' initiative to provide ongoing care and support during the time spent in custody, upon release and during community re-integration. All convicted young people under the age of 18 get a psychological assessment to ensure their individual needs are identified and – through the integrated case management process – appropriate actions are taken in a coordinated manner to address those needs.



Next steps

- Following the raising of the age of criminal prosecution in the Criminal Justice and Licensing (Scotland) Act 2010, we will give fresh consideration to raising the age of criminal responsibility from 8 to 12 with a view to bringing forward any legislative change in the lifetime of this Parliament.

ANNEX A



2011 'STATE OF CHILDREN'S RIGHTS' REPORT BY TOGETHER SCOTLAND

Together Scotland is an alliance of Scottish children's charities that works to improve the awareness, understanding and implementation of the United Nations Convention on the Rights of the Child (UNCRC). As part of their activity, the organisation regularly monitors and reports on the progress made to implement the UNCRC at both Scottish and UK level. It does this, in part, through the publication of their annual 'State of Children's Rights' report, the last of which was published in September 2011. There is a copy of the report at: www.togetherscotland.org.uk.

The Scottish Government welcomes the report's independent perspective on how far children in Scotland are able to enjoy and exercise their rights. We have also taken note of the recommendations made by Together Scotland.

Many of the issues in the 2011 report are consistent with those identified in our initial action plan and are the subject of ongoing activity, much of which is covered elsewhere in this report. In addition, the report includes a number of overarching recommendations in the following areas:

UNCRC incorporation

The 2011 'State of Children's Rights' report recommends that the Scottish Government takes steps "to incorporate the UNCRC into Scots law in a manner which ensures its fullest implementation before the next report to the UN Committee in 2014".

The Scottish Government will consult further on how legislation might best be used to strengthen our approach to children's rights in Scotland.



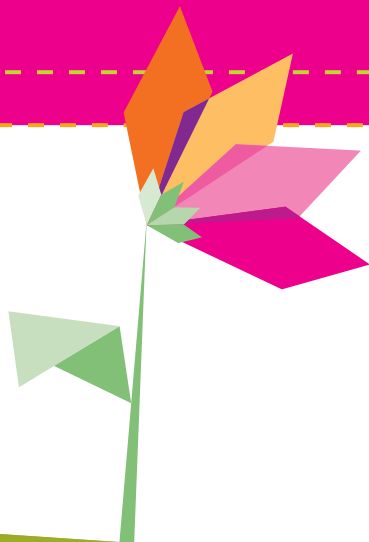
Consistent implementation of the UNCRC across local authorities and professions

The report recommends that work be undertaken “to address inconsistencies in the implementation of the UNCRC across local authorities and professions. It should ensure the principles of the UNCRC are at the heart of policy and practice in work with all children.”

We are committed to transparency and accountability in our approach to children’s rights at all levels of government in Scotland. In order to improve this, children’s rights should feature in the planning, development and review of all policies, legislation and services. We are currently considering how legislation might ensure this is the case.

We are also considering the role that legislation might play in the effective implementation of GIRFEC throughout Scotland. By putting aspects of GIRFEC on a statutory footing we can ensure that children are placed at the centre of the decisions which affect them, that steps are being taken to keep them safe from harm, that they are being supported to develop the skills and knowledge that will benefit them throughout life, and that they can speak and have their voices heard on the things that matter to them.

We will shortly be publishing a resource which will describe how the effective embedding of GIRFEC within and across public services will support the practical realisation of the UNCRC in Scotland.



Workforce development

The report recommends that the Scottish Government take steps to “ensure that the UNCRC is at the heart of all training for professionals working with and for children, firmly embeds its principles and promotes understanding of its provisions. This should include a specific focus on the training of educational professionals and those working with children with additional support needs and/or with a disability.”

We continue to take forward the development of a common core of the skills, knowledge and understanding and values every worker (paid or unpaid) should have as a minimum if they work with children, young people and families.

Earlier this year practitioners from a variety of disciplines came together to discuss good practice, giving examples of times when they had demonstrated the essential characteristics set out in the common core as well as identifying barriers which prevent good practice from happening routinely. This work has identified a number of areas that can potentially be addressed through ongoing implementation activities linked to the common core. Some issues will relate to training but there will be many more which can be addressed through, for instance, staff guidance, supervision and greater inter-agency collaboration.



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ANNEX B

MID-TERM REPORT TO THE UK STATE PARTY ON THE UN CONVENTION ON THE RIGHTS OF THE CHILD BY THE UK CHILDREN'S COMMISSIONERS

The four UK Children's Commissioners marked the mid-term point in the UN Committee's current reporting cycle with the publication of a report offering their views on the progress the four UK administrations are making in relation to the UN Convention on the Rights of the Child.

Alongside Together Scotland's 'State of Children's Rights' report, the Commissioners' mid-term report provides a useful independent analysis of the progress being made across the four UK administrations to further the realisation of children's rights. Scottish Ministers are committed to responding positively to the recommendations set out in the report wherever possible, and given the powers available to them. Those recommendations focus on five key areas:



Participation in decision-making

The Scottish Government is committed to ensuring that children's voices are heard whenever decisions are being taken which affect them. In order to make this a reality, we intend to include provisions in our planned Children and Young People Bill to embed the GIRFEC approach, which puts children and young people at the heart of decisions that affect them. A consultation paper setting out our proposals for the Bill is due to be published soon.

We know that some children will need support if they are to participate in the

decisions which affect them and that advocacy is one of the key ways to achieve this. We have recently completed a national consultation on a set of proposed principles and minimum standards to be applied whenever advocacy support is being given to a child or young person. Further information on our approach can be found under priority action area 6 in this report.

Details of the action we are taking to encourage the participation of children and young people in schools can be found under priority action area 7.

Disabled children

The Scottish Government takes a 'social model' approach to disability, focussed on breaking down barriers to participation and inclusion in society. That is why in February 2011 we published the 'National Review of Services for Disabled Children'. This includes an action plan to ensure services and policies are more inclusive of, and suitable for, the needs of disabled children and young people. The Review Group is currently advising on and overseeing the implementation of the Review, and a progress report will be published in summer 2012.

Engaging, involving and working with disabled children and young people is crucial to the effective development of policies and services. As part of the National Review, the Scottish Government, in conjunction with partner organisations, has undertaken a consultation with a range of disabled children and young people, and will use the results of this consultation to inform future policy development. We are also currently considering how to ensure the views of all children and young people are considered when developing policy and services, and what are the best ways to capture their views.

We continue to provide funding of £3.3 million directly to organisations working with disabled children and young people, and this level of funding will be maintained over the next three years.

Child poverty

The Scottish Government is doing all it can to tackle poverty and inequality in Scotland, within the powers and resources available. Progressive reform of the welfare system, which remains reserved to the UK Government, is critical to doing this.

Our approach is to use our devolved powers in areas like health, education, housing and employability to address the long-term drivers of poverty. We do this by stimulating the economy and focussing on early intervention and prevention to invest in, and support, deprived, vulnerable children and their families.

Examples of actions include:

- extending free schools meals entitlement to include pupils of parents who get both maximum child tax credit and maximum working tax credit;
- establishing a £270 million Early Years Change Fund over this Parliamentary term, and a £6.8 million Early Years, Early Action Fund; and
- targeting the Energy Assistance Package on those most likely to be fuel poor, including families on low incomes.

A wide range of funding streams across the Scottish Government contribute to poverty reduction. *Equally Well* (2008) made estimates of resource allocation to tackling health inequalities. Within that, spending focussed on poverty and employment was estimated as:

- 2008-9 – £219.14 million;
- 2009-10 – £234.44 million; and
- 2010-11 – £214.04 million.

These figures represent only a small proportion of public resources targeted towards tackling poverty.

Further information on the range of actions we have progressed in this area can be found under priority action area 17.

Children seeking asylum

The Scottish Government will continue to monitor the circumstances of families resident in Scotland and the way they are removed from the UK.

We are also strongly supportive of the Young Person's Project, by the Legal Services Agency and funded by the Paul Hamlyn Foundation to provide legal advice to refugee and migrant children and young people (up to age 25) across Scotland.

This project, unique in its approach, offers advice on a range of issues, including immigration and asylum law, access to appropriate accommodation and support, and compensation. It also offers free second-tier advice and training to other organisations and seeks to contribute positively to policy making on relevant issues.

Further information about our work to improve support for unaccompanied asylum seeker children can be found under priority action area 19.

Juvenile justice

The Scottish Government continues to deliver a wide range of activity in this area. Prevention and early intervention are at the heart of our approach.

Early and effective intervention – a way of diverting young people from formal systems such as our children's hearing system – has now been introduced in 29 out of 32 local authorities across the country.

In 2010, we increased the minimum age of prosecution, meaning it is no longer possible to prosecute a young person under age 12 in court. The majority of children between the ages of 12 and 16 who commit an offence will be referred to a children's hearing with prosecution in court being limited to grave offences. 16-17 year olds who offend can be prosecuted in court or referred to a children's hearing, depending on their status. Where prosecuted, a sheriff may ask the advice of a children's hearing and, where that hearing agrees, may choose to have the case disposed of there.

Further information on our youth justice approach is included under priority action area 21.

We have taken steps to ensure that where offence grounds have been accepted or established at a children's hearing they are no longer classed as convictions, effectively ending the criminalisation of young people going through the children's hearing system. This approach also has the effect of limiting the number of offences that can be disclosed for employment purposes.

Work is ongoing with local authorities across Scotland to implement our 'whole system approach' to preventing and reducing offending amongst young people. That approach recognises that many young people could and should be diverted from statutory measures, prosecution, custody and remand through early intervention and intensive support in the community. In line with the GIRFEC approach it also provides for streamlined and consistent planning, assessment and decision making processes for all young people under 18 who offend, ensuring they get the right help at the right time.

Under 16s can no longer be remanded or sentenced to the prison estate in Scotland. The number of 16 to 21 year olds in the prison estate has decreased for both remand and direct sentenced prisoners by 14 per cent and 17 per cent respectively over 2010-11.

More generally, the Commissioners felt that action was required to establish more robust structures and mechanisms for monitoring and reporting on our approach to the UNCRC in Scotland. Scottish Ministers want to ensure that children's rights are a fundamental consideration in the planning, development and review of policies, legislation and services across the public sector. Through the upcoming consultation on our proposed Children and Young People Bill, we are exploring with stakeholders how legislation might help us with this.



The Scottish
Government

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