

Scotland's
Commissioner
for Children and
Young People



OUR YEAR IN

Words & Pictures

2007/08



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00/ Contents

01	Introduction	02
02	Recommendations	03
03	The Commissioner's Job	05
	3.1 What SCCYP does	05
	3.2 Staff Structure	06
	3.3 Children and Young People's Groups	07
04	Issues for Scotland's Children	08
05	The Commissioner's Activities	10
	5.1 Awareness and Understanding of SCCYP and the UNCRC	10
	5.2 The "Safe, Active, Happy" Action Plan	11
	5.3 Prisoners' Children	14
	5.4 Asylum	14
	5.5 Children in Prisons and Secure Units	15
	5.6 Children's Rights Impact Assessment	15
	5.7 CASE Studentship	15
	5.8 Consultation Responses	18
	5.9 Reporting to the UN	18
	5.10 Children's Policies, Scotland and the EU	18
	5.11 Enquiries Update	19
06	Involving Children and Young People	20
	6.1 SCCYP's Commitment	20
	6.2 What happened this year	20
	6.3 The Participation Strategy – what next?	23
07	The Coming Year	26
08	Office Issues	27
09	Accounts	28
10	Legal Compliance	30

In last year's Annual Report, I described the shape of my five year term of office so that the work of that year could be put into context. It is worth repeating.

01/ Introduction

Shape of five year term (current year in colour)

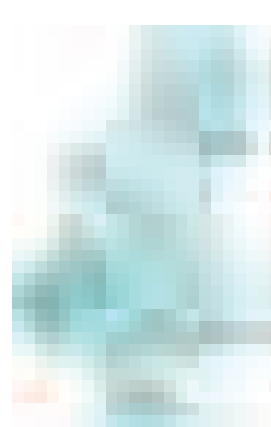
1. Establishment
2. Consultation on priorities
3. Two inter-connected strands:
 - *Policy – Action Plan Year 1 – mapping and evidencing priority issues*
 - *Participation – establishing and nurturing standing groups of children and young people*
4. Two inter-connected strands:
 - *Policy – Action Plan Year 2 – focusing and addressing*
 - *Participation – developing role of standing groups and extending general awareness of SCCYP and UNCRC*
5. Two Main activities:
 - *Action Plan Year 3 – resolution and dissemination*
 - *Preparation for next Action Plan*

A quick leaf through this report will show what an exceptionally active year this has been. We have published a whole series of substantial reports which have generated a lot of publicity and debate. And that is what we want. We are after radical change rather than quick hits. I like to think our reports are thorough and highly professional, drilling right down to the nub of some very difficult issues. It is therefore perhaps not surprising that they have attracted international interest and stimulated energetic debate. Are adults afraid of contact with children today? Is our practice so risk averse that it has created, not just a boring, but an essentially unhealthy environment for children and adults alike?

Are “open justice” and freedom of the press so sacred as to justify abrogation of the individual rights of those accused of harming a child and the group rights of children as a whole who are demonised for the failings of adult-devised systems? Is 21st century life in Scotland likely to help children to be safe, active and happy, or is it more likely to make them bored, unhealthy, lonely and suspicious?

But the news is not all negative. In this report we show how we celebrated the 18th birthday of the UN Convention on the Rights of the Child, and we describe our really feel-good Children's Choice Award which celebrated the contribution caring adults make to the quality of life for many children and young people. It is also worth celebrating the success of the hard campaigning for the rights of asylum seeking families to stay in Scotland when they have been here for a number of years and their children are well integrated into Scottish society.

My staff has put a huge amount of effort in to achieving all of the important things you will read about. I want to thank them, our young people's groups and the whole spectrum of individuals and agencies that have supported my office through this busy and successful year.



Last year, I noted that the architects of the Act establishing my office recognised that some of the powers and duties might need to be revisited in the light of experience. I suggested that, rather than piecemeal consideration, it would make sense to look at suggested changes all at once, probably at the end of the first five year term of office. That is still my view.

02/ Recommendations

In that spirit, I repeat both the one, formal recommendation that I made last year (that does not relate specifically to my office) and the issues about my office that I flagged up for future consideration. I add a few other thoughts as to what changes might be considered in the future.

My formal **recommendation** is that the Parliament should make its undoubted commitment to the rights of children more powerful by incorporating the UN Convention on the Rights of the Child into Scottish law.

The following are matters to ponder that may evolve into formal recommendations next year:

Age limit for disability: The Commissioner's remit extends to all children and young people below the age of 18, with an extension up to 21 for those who have been "looked after" by a local authority. Since my appointment, I have become increasingly aware of the problems faced by disabled young people between 18 and 21 during their transition from child to adult services. I believe it would be appropriate to extend the age limit to 21 for those with a disability.

Accessing information: When the Commissioner sets up a formal investigation, this brings with it power to require the production of documents. However, there is no power to do so in other situations. It would be helpful to be able to require answers and information in other situations, for example, in order to inform a decision about whether a formal investigation should be held.

Individual cases: One of the most significant issues debated during the progress of the legislation was whether the Commissioner should be able to investigate individual cases. I am keeping this matter under review. Any change to include individual cases would require additional resources.

Reserved matters: It is the view of all the Children's Commissioners in the UK that each of them should be able to exercise their functions with respect to the children in their country regardless of the subject matter. It would be helpful if my remit specifically included matters reserved to the Westminster Parliament in so far as they applied to children in Scotland. I appreciate that this would require Westminster legislation to take it forward.

Staffing levels and financial accountability: I have always accepted the need for robust accountability mechanisms and limits on spending public money. I reiterate my statement to the Finance Committee that no-one should have a blank cheque to draw on public funds. However, it would be helpful to have more flexibility about how those funds are spent. The Act setting up the office says the numbers of staff are to be approved by the Scottish Parliamentary Corporate Body. It would be helpful if the Commissioner could have the flexibility to increase staffing levels within the limits of the allocated budget where that represented the most cost-effective approach to emerging needs.



I am in regular contact with the other Children's Commissioners in the UK and in May 2008 we will be submitting a joint report to the UN Committee on the Rights of the Child on progress on implementation within the UK. A section of that report will look at the different roles, remits and powers of the four UK Children's Commissioners. The Scottish legislation is presented as the most desirable model in underpinning the independence of the Commissioner in line with international best practice, because:

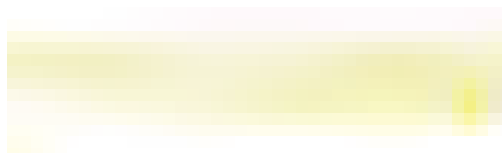
- The appointment process is by the Queen on the nomination of Parliament rather than by a government minister;
- The Commissioner reports directly to Parliament rather than through a government minister; and
- Funding comes from the Parliament rather than from a government department.

However, there are other respects in which the Commissioner in Scotland lacks some of the operative powers enjoyed by other offices:

- A power of entry to premises where a child is accommodated or cared for (not including private homes); and
- The power to require a response to a question within a specific period of time (linked to item 2 above);

Neither of these has caused an actual practical difficulty up until now because those with whom I have had contact have been willing to collaborate with me. However, that may not always be the case and it would be useful to have these powers to support the Commissioner's ability to take effective action when difficult issues arise.

I will continue to reflect on these matters in the course of next year with a view to making formal recommendations in next year's annual report.



The Commissioner's job is to promote and safeguard the rights of children and young people in Scotland.

03/ The Commissioner's Job

3.1. What SCCYP does

The rights of children and young people are set out in Scottish, UK and international law, but the Act of the Scottish Parliament that set up the post placed particular emphasis on the United Nations Convention on the Rights of the Child (UNCRC). The Convention was passed by the UN in 1989. When the UK Government ratified it in 1991, it promised to translate the Convention's requirements into law, policy and practice. The promises are often referred to as the "3 Ps":

- **Provision** of services to promote survival and development;
- **Protection** from abuse, neglect and exploitation; and
- **Participation** by children and young people in decisions that affect them.

These rights should be available to all children without discrimination.

The Commissioner's job is to raise awareness of these rights, to keep reminding people of them and to take steps to ensure that they are respected. The Commissioner's responsibilities extend to all children and young people under the age of 18, and those aged up to 21 who have ever been in care or "looked after" by a local authority.

The Commissioner has a power of formal investigation where it seems that the rights of groups of children and young people might have been breached, but she cannot investigate matters that apply to only one child. The role is more about ensuring that the frameworks set up by law, policy and practice respect the rights of children, than intervening in individual cases.

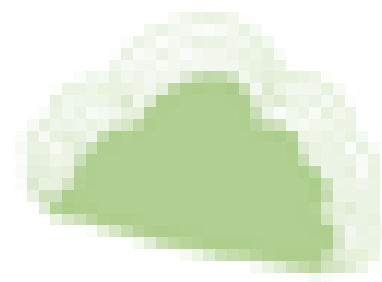
She cannot investigate matters that are reserved to the Westminster Parliament, such as immigration, benefits and employment.

The Commissioner has to consult children and young people, and organisations working with and for them, about the work her office undertakes. This allows her to identify policy priorities that will help target resources rather than spreading them too thinly over every matter that might affect every child. The "Safe, Active, Happy" Action Plan referred to in this report is the result of such consultation.

In short, the Commissioner is:

- **A watchdog** – for the rights of children, guarding their rights and looking out for breaches of them;
- **An educator** – raising awareness of children's rights and what they require in particular situations; and
- **An energy boost** – developing the children's rights dimension of the policy priority areas identified through consultation.

The law establishing the Commissioner's post is the Commissioner for Children and Young People (Scotland) Act 2003. The Commissioner is appointed by the Queen on the nomination of the Scottish Parliament for a period of five years. There is a possibility of a second term, but no-one can be Commissioner for more than two terms. The Commissioner is independent of Government and Parliament but is accountable to the Scottish Parliament for the work that she does and the money that she spends.



3.2 Staff Structure

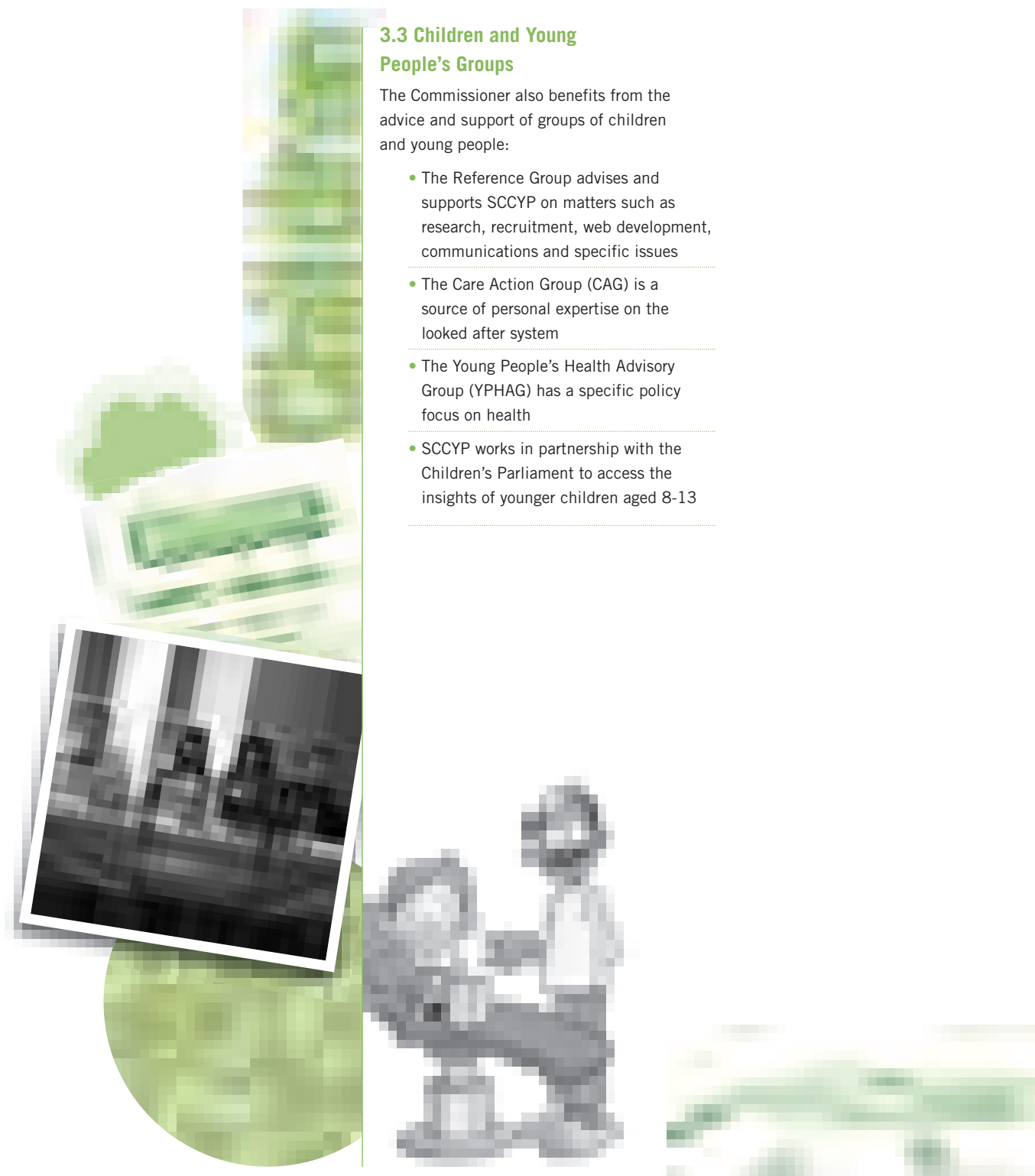
The Commissioner has 14 full time equivalent staff. The diagram below shows the staff structure at 31 March 2008.



3.3 Children and Young People's Groups

The Commissioner also benefits from the advice and support of groups of children and young people:

- The Reference Group advises and supports SCCYP on matters such as research, recruitment, web development, communications and specific issues
- The Care Action Group (CAG) is a source of personal expertise on the looked after system
- The Young People's Health Advisory Group (YPHAG) has a specific policy focus on health
- SCCYP works in partnership with the Children's Parliament to access the insights of younger children aged 8-13



We entered fresh territory this year with a new government in Scotland. Like everyone else, those of us working for children and young people have been interested to see what impact it would have on our particular concerns.

04/ Issues for Scotland's Children

It is not just about stances on issues, but about a whole new way of working that is still manifesting. The fact that it is a minority government means there has been less legislation and more emphasis on a partnership approach to policy development. The primary tool for this is the Concordat agreed between local and central government in Scotland, along with new budget arrangements that give local authorities more freedom with the removal of ring-fencing. This has caused a lot of anxiety amongst children's organisations who fear that children's services will lose out. It also raises questions about how much scope there will be for truly national policy. And how do we ensure that increased local discretion respects international commitments enshrined in the UNCRC? More than ever, there is a need for a national organisation such as SCCYP with a children's rights remit. Next year we will need to work through the implications of the new geography of policy development in Scotland and support, encourage and where necessary challenge policy makers to ensure respect for the Convention.

But some of the issues do not change. The perennial ambivalence of our society towards children and young people as both vulnerable and threatening has surfaced in responses to tragedies, concerns and technological innovations.

Rare occurrences such as child abduction by strangers encourage other parents to become over-protective towards their children. The debate continued about whether we are fostering a generation of "cotton wool kids" who are allowed little freedom because of parental fears for their safety.


There was continuing public concern about children in residential care following on from the publication of a report by Glasgow City Council into abuse of young people at Kerelaw residential school in Ayrshire. This led to the announcement, on 1 November 2007, of a joint, independent inquiry commissioned by Glasgow City Council and the Scottish Government. A few weeks later, the Scottish Government published the results of the "Historical Abuse Systemic Review" undertaken by Tom Shaw. It concluded that, despite progress in recent years, there was still a need to "strengthen the arrangements for the welfare and safety of children in the care of the state". It recommended establishment of a National Task Group, reporting to Parliament, with oversight of services provided for looked-after and accommodated children.

Many of the residents of Kerelaw had a troubled history of offending behaviour. In this sort of situation, the public do not know how to respond; whether to be suspicious of reports of abuse because they come from a difficult group of young people; or to be concerned that abusers will use this difficult history to undermine the credibility of young people and divert attention from their abuse. The debate about children under 16 being held in prison establishments had the same kind of mixed reaction. We have very few under-16s in prison establishments in Scotland. The Scottish Government's commitment to diverting even this small group to the secure units designed for children caused some adverse comment but its logic won through in a welcome way.



Ban these al...
n's commissioner





At the same time, however, media reports about juvenile crime and the on-line comment following them, reached a new low with suggestions that children as young as 3 or 4 should be dealt with more severely for “crimes” such as housebreaking and shoplifting. Scotland's age of criminal responsibility is 8 - one of the lowest in the world. While most child offenders are dealt with in our welfare-based children's hearing system, it is shameful that we can still even contemplate trying an 8-year-old in an adult court. The idea that we might lower the age beggars belief. This indicates to me that the encroaching disease of fear of, and disrespect for, children is digging deeper to affect perceptions of children at an ever-younger age.

The nadir must be the response to the introduction of the Mosquito device that emits a highly irritating noise that can be heard only by those under about age 25. Marketed by some as the “Teen Tormentor” or “Teen Repellent”, it is designed to disperse groups of youths engaged in antisocial behaviour. It is, however, indiscriminate in its assault on the senses of children and young people. This sends out a very negative message about the lack of respect for children and young people in our society.

Impact

The Commissioner contacted Grampian Police about press reports about their intention to use a Mosquito device gifted to them. She received an assurance that the devices would not be deployed in any Grampian Police operation.

Other advances in information technology have led to the new danger of “cyber-bullying”. There has been much concern about websites which defame teachers, and public debate about whether children now have too much power. However, children also suffer from cyber-bullying. Children have always been bullied and have lacked the power and effective support to challenge it. The internet is no respecter of age or status. Perhaps it will take the outrage of bullied adults to help the world take seriously the long trivialised fears of bullied children.

There has been good news too this year! While there are still a lot of concerns about the welfare of families seeking asylum and modes of removal and detention, the situation has improved for most of those whose claims failed after a number of years' residence in Scotland. Earlier attempts to forcibly remove such families attracted much opposition, from communities, welfare agencies and from me. After much negotiation, the review of these legacy cases was speeded up and most of these settled and well integrated families have now been granted leave to remain. Methods of forced removal have also shifted focus away from the early morning removals from home that were the cause of so much distress. But we cannot be complacent and this situation still needs monitoring. The Scottish Government has also taken welcome moves to extend further and higher education possibilities to asylum seekers who have been in Scotland for three years or more.



05/ The Commissioner's Activities

5.1 Awareness and Understanding of SCCYP and the UNCRC

5.11 Publications

Publications are the "bread and butter" of awareness raising. As well as our two general leaflets on the work of SCCYP, we publish our annual report for children and young people in poster format for distribution to schools and other places. My office has worked with the Scottish Government to produce information for children on the UNCRC in poster and booklet form. Our leaving care leaflet informs about SCCYP and the rights of young people facing this situation. The Detective Kit distributed to primary schools as part of the "Safe, Active, Happy" Action Plan has proved to be very popular and has the added value of helping children learn about SCCYP and the UNCRC through their involvement in a fun activity. In particular, the associated Detective Kit website teaches children through interactive games about SCCYP, the UNCRC and the UN reporting process. (See www.detectivekit.co.uk)

5.12 Children's Rights Illustrations

Members of SCCYP's young people's groups helped choose an illustrator to produce two versions of each of the 42 rights in the Convention (one version for children and one for young people), and a summary of the main principles in the UNCRC. The illustrations are used for a wide variety of promotional purposes and are available for other organisations to use to promote children's rights. Visit www.sccyp.org.uk to view and order the illustrations. They are used throughout the booklet and poster on the UNCRC that we produced with the Scottish Government.

5.13 Website

Members of SCCYP's Reference Group helped develop a new young people's website which will be launched next year and which will hopefully make a substantial contribution to raising awareness of SCCYP and the UNCRC. The website will be an opportunity for young people to engage not only with the issues SCCYP are currently working on, but also tell the office about other issues that affect them, which will inform the office's work.

5.14 Participation Portal

The website's Participation Portal allows access to a library of resources demonstrating good practice in involving children and young people across all ages and on a variety of subjects. This was updated during the year and we are always on the lookout for stimulating additions.

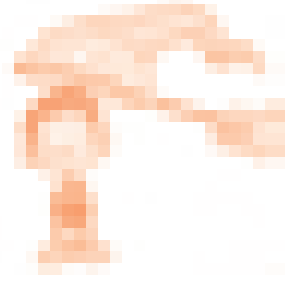
5.15 Children's Rights Workshops

The participation team has worked across Scotland, presenting interactive workshops on children's rights. In response to requests from workers, they have developed a free web-based resource pack for practitioners, containing a series of workshops with practical guidance on their use in direct work with children and young people. These will become available in Autumn 2008. SCCYP staff will offer support to workers who wish to deliver the children's rights workshops and will focus their own direct delivery on groups often categorised as hard to reach.

5.16 UNICEF Rights Respecting Schools

SCCYP are currently working with UNICEF Rights Respecting Schools Awards. The Awards uses the UNCRC as a basis for enhancing the teaching, learning and ethos of school communities. Over the coming years, SCCYP plan to support UNICEF in developing this work across Scotland.





5.17 Children's Choice Award

As well as activities aimed specifically at awareness raising, projects such as the Children's Choice Award help in a more engaging and indirect way. The second Children's Choice Award was organised again with support from Children in Scotland. The award celebrates the crucial but often unnoticed role adults play in children's lives. Children and young people are invited to nominate adults who have "gone the extra mile" to support them. The awards are judged entirely by children and young people, and this year the pupil council of Royal Mile Primary School in Edinburgh judged the nominations of the under 12s category. Members of our three young people's groups came together to judge the 12 and over category. It was clear that the young judges felt the value of their vital contribution and SCCYP staff supported both groups in the planned sessions with their tasks as judges and with some of the serious issues that emerged from the nominations. Every person who was nominated was sent a certificate and a letter telling them that they had been nominated by a child or young person in their life.

The winner of the under 12s award was Jaqueline Gordon, a special education needs auxiliary from Port Glasgow who was nominated by her 10 year old niece who said:

"Even though she can have some challenging days, she loves the children very much and finds her job rewarding."

The winner for the over 12s was Sian Anderson, a youth worker from Hawick. The two young people who nominated her commented:

"Hawick hasn't got a lot of facilities that young people can use, but by opening the café for us, she has given us lots."

The award ceremony, held in Glasgow in March, was a positive and inspirational event, involving jugglers, a magician, a caricaturist, and a clown. It was also very touching as we heard children's own words about what they valued in the people they had nominated and witnessed the incredulity and humility of adults who had not realised how much their dedication had been noticed and valued by the children and young people they helped.

"Too often children are ignored at fancy events, but from the onset the children were made to feel important and special. My eldest daughter has autism and to be honest we have never seen her so accepting and emotional as she was at the awards. She later told me she had a wee happy cry when I was up on stage, doesn't that just melt your heart?"
Suzanne Fernando, nominated in under 12 category

5.2 The "Safe, Active, Happy" Action Plan

Last year's report explained how SCCYP identified our policy priorities in consultation with children and young people and agencies working with and for them. This shaped the "Safe, Active, Happy" Action Plan that was launched at the Parliament on 4 May 2006.

The first year of the plan involved mapping out the issues and finding out what others were doing about them in order to avoid duplication. SCCYP commissioned research from external bodies and undertook other research in-house. External reports addressed:

- **Adult Attitudes to Contact with Children and Young People.** This was undertaken by Rocket Science. It showed the scale of the fear that adults have of children and of contact with them. Being accused of harming a child was described as "the worst thing imaginable." This, plus the increasing bureaucracy and risk-averse practice associated with this contact is

leading adults to draw back from the kind of rich and healthy relationships that children and young people need to nurture their development, and also to have "things to do." The report attracted a great deal of publicity and interest from as far away as New Zealand.

- **A Study of the Regulation of Outdoor Play for Children and Young People in Residential Care.** The Scottish Institute for Residential Child Care (SIRCC) explored the rules that shape professional practice in six residential units. Perceived "healthy & safety" rules led to highly risk-averse practice that seriously impeded opportunities for play. For example, some children were not allowed out to play on a bike unless they signed a risk assessment. Others were not allowed near water unless tied by a rope to a member of staff or a tree. The "rules" that led to these bizarre requirements were generally unwritten and passed on by word of mouth. Where they were written they were often taken out of context. Thus the rules about risk assessments for bike riding were drawn from procedures for organised trips for cross country cycling.
- **Playback** (a voluntary organisation working with and for disabled people) carried out a small research project into **disabled young people's perceptions** and experiences of accessibility, availability and suitability of leisure and recreational opportunities for children in Edinburgh and North Ayrshire. This provided a platform for a nationwide research project. The results of both were launched at a stimulating event, "What About Us?" in January 2008, led by children and young people with additional support needs.

“I found the (leaving care) leaflet really helpful. The advice was clear and I liked the look of it. After reading about the options available to me I feel like I’ve got more control over my life.”
Young Person

- Research into **police checks and “disclosure”** systems in other countries was undertaken for SCCYP by Alison Hunter to provide a starting point for reflection on the state of play and debate in Scotland as compared with other countries. It showed that Scotland is, in some respects, very far advanced in the development of its checking systems for those who wish access to children. This also means that we are treading relatively fresh ground in our debates about the proportionality of some current checking and safety procedures and the negative side-effects of these.

- **CLICP** (The University of Edinburgh/ NSPCC Centre for UK-wide Learning in Child Protection) undertook an analysis of **child abuse inquiries** in Scotland from 1960 to 2007 in order to inform our approach to proportionate child protection.

SCCYP staff undertook two major pieces of research associated with “Safe, Active, Happy”:

- **Handle with Care** analysed law, policy and practice relating to the moving and handling of children and young people with disabilities. It was based on what young people had told us about the indignities and barriers to inclusion they suffered as a result of risk-averse practice by carers. Agencies were working to blanket “no lifting” policies, thus requiring the use of hoists and slings even where the young person had the mobility to move with reasonable assistance. This resulted in some losing what mobility they had and to great difficulties in getting out and about, or even attending school or college. The report was laid before Parliament on 27th February 2008 and celebrated by a launch event chaired by one of the young people involved.

An accompanying short film “Dignity in Practice” sets out the young people’s experiences and views in their own words.

Impact

Shortly after the report was laid before Parliament, the Minister for Children and Early Years promised to produce revised guidance in the light of the recommendations in the report and to include parents and children in the revision process.

- **Sweet 16? The Age of Leaving Care in Scotland** was laid before Parliament on 25th March 2008 and celebrated by a launch event in Glasgow. It evidenced how, despite government intentions to the contrary, eight times as many young people in Scotland leave care at 16 as at 18. It explores the reasons why young people are leaving care so early and challenges both the culture of leaving care at 16 and the standard of much of the accommodation and support provided after they leave. The report is complemented by a leaflet, “Think Before You Move”, produced in association with Who Cares? Scotland to address an urgent need identified by the research for information for young people and workers about rights, law and government policy on leaving care.

Impact

In the period leading up to publication of the report, one local authority (Highland) changed its housing policy to ensure that young people leaving care received priority without having to be declared homeless.

SCCYP’s leaving care leaflet, “Think Before You Move” has been eagerly received by workers and young people with excellent feedback from them.

On 20th June 2007, SCCYP organised a major **conference on physical punishment**, entitled, “Respecting Children, Supporting Parents: Working towards a violence free childhood”. Preparation included work with the Children’s Parliament to ensure children’s voices were prominent in the startling statements that accompanied creative masks adorning the venue in Edinburgh. We worked with ChildLine Scotland, Children 1st and Parentline to produce a short film of children’s and parents’ experiences and concerns. The event was co-chaired by the Commissioner and a member of SCCYP’s Reference Group. Evaluations showed that it had provided a fresh impetus to what had become a tired debate.





Emerging insights from the research, events, meetings and discussions with other agencies, helped us to revisit the 10 work streams that shaped the mapping phase, identifying the following concrete objectives as a focus for SCCYP work:

1. Government approval of a **Play Strategy** for Scotland. SCCYP has supported the work of Play Scotland and Barnardo's in pursuing this aim.
2. A better deal for children and young people out of the current **school building** programme though higher quality provision and better access out of school hours. This has been taken forward by the Schools in the Community Group convened by SCCYP which draws expertise from consultants, designers, architects and other professionals.
3. Better access to **leisure and recreation facilities** for disabled children and young people. This draws on the Playback research referred to on page 11.
4. Encouraging the establishment of an **Enabling Unit** or similar mechanism to encourage and support those who wish to work with children and young people on a paid or voluntary basis. The name was chosen to counteract the negative messages associated with the "vetting and barring" debate. The Unit would be an accessible first point of contact for those with questions about police checks, health and safety requirements and other rules associated with whatever they wanted to do. Where appropriate, it would direct enquirers to bodies already undertaking that role for their particular field, responding directly to those with no other options.
5. Promoting a **proportionate vetting and barring scheme** for those who seek access to children through paid or voluntary work. SCCYP will seek to influence the emerging state system with the results of the research referred to above.
6. **Anonymity Before Conviction.** SCCYP commissioned research to explore in greater depth the fears adults expressed in the "Adult Attitudes" report. We had evidenced the problem, now we wanted to evidence the solutions. The follow-on research showed that legal changes to guarantee anonymity until (and unless) an allegation was proven, would go a considerable way towards lessening adult fears. The Commissioner's detailed exploration of the issue is available in a number of speeches and articles on the SCCYP website. However, this is a complex matter, involving potential principles about open justice, and concerns about the impact on hard-fought-for attitudes towards children and their truthfulness about abuse. It is important that all voices are heard within the context of a thoughtful, informed and principled debate. The objective is to move towards that principled debate. SCCYP would like to see this matter referred to the Scottish Law Commission.
7. **Leaving Care.** SCCYP's objective is a change in practice that leads to more young people staying in care beyond the age of 16, with a better choice of suitable accommodation and better information provision for young people and workers.
8. SCCYP aims to promote better opportunities for **outdoor activities for children and young people who are looked after** by local authorities through challenging risk averse practice and providing guidance.
9. SCCYP will seek national guidance to ensure consistency in **moving and handling practice for disabled children and young people** in a way that removes barriers to involvement in activities and encourages involvement of the children and young people themselves in risk assessments. This may involve promotion of compatibility of hoists and slings as this would make a significant contribution to this agenda.
10. SCCYP will seek to persuade the Government towards a major public awareness and education campaign on positive, non-violent child-rearing methods that do not involve **physical punishment**.
11. SCCYP will promote a confident, children's rights approach to situations in which children are suffering severe neglect as a result of **substance misuse** by their parents or carers.

While much of SCCYP's work on "Safe, Active, Happy" has focused on situations in which children might be described as over-protected through extreme risk aversion, items 7 (leaving care), 10 (physical punishment) and 11 (substance misuse) address situations in which children are currently under-protected. A proportionate approach to child protection needs to address extremes at both ends of the spectrum.

At the same time the Commissioner was developing the work streams and identifying objectives, her office continued to develop a resource for primary school children that would contribute to mapping out the issue of "things to do", encourage local policy development and also raise awareness of SCCYP and the UNCRC. The Detective Kit was launched at the Leadership in Scotland's Schools Conference in February 2008. (See 5.1 for further details). For older young people SCCYP identified a No Ball Games project that will be taken forward in the coming year.

5.3 Prisoners' Children

On 7th February The Commissioner laid before Parliament, "Not Seen. Not Heard. Not Guilty: The Rights and Status of the Children of Prisoners in Scotland". It seeks to expose the invisibility of children in many of the processes associated with the imprisonment of a parent. It follows the process from the point of arrest through sentencing, prison visits and decisions to release to Home Detention Curfew. It shows that, while children's rights to respect for family life are breached when a parent is imprisoned, the associated processes do not address the issue of proportionality. The fact of that breach is often not even acknowledged and is rarely taken into account. The SCCYP report does not argue that no parent should ever be imprisoned, but it does recommend that there should be a Children's Rights Impact Assessment at the point of sentencing. What is at stake is a fundamental right of the child. The court should at least be aware of the impact of its choice of sentence on the child so that it can decide whether the benefit to society of imprisoning the parent is worth the cost paid by the child.

The SCCYP report has attracted substantial international interest within the Council of Europe and the UN.

Impact

In the course of discussions leading up to the publication of the report, the Scottish Prison Service agreed to give a higher priority to parenting classes in Polmont Young Offenders Institution and Cornton Vale Women's Prison saying they would undertake a full review of interventions available to young adults which might provide a greater focus on parenting.

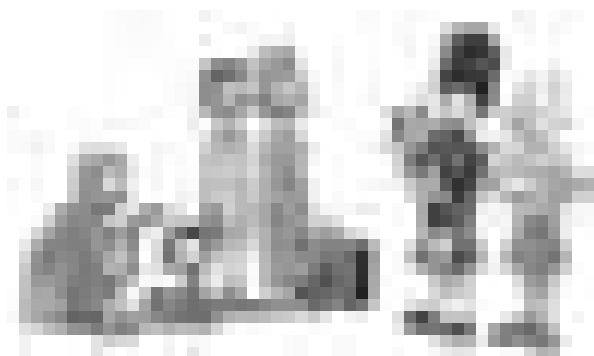
5.4 Asylum

SCCYP has continued to pursue the rights of children caught up in asylum processes, whether as members of a family or as unaccompanied asylum seeking children.

The Commissioner has always acknowledged the legitimacy of a state taking action to control its borders, but insists this must be done in a way that respects the rights of children and young people living in Scotland.

SCCYP staff have worked closely with agencies such as the Scottish Refugee Council and Save the Children, and with the other UK Children's Commissioners, particularly the English Commissioner whose remit includes matters reserved to the Westminster Parliament. SCCYP staff have met regularly with the UK Borders Agency to discuss issues of concern such as the forced removal and detention of children, which remains a major cause of fear and distress for many young people. SCCYP has advised on the provision of toys and child care for families attending the Brand Street Reporting Centre. The office has responded to consultations on unaccompanied asylum seeking children, asked questions about particular cases where practice appeared to go against policy direction, and urged a speeding up of the review of the legacy cases involving families with children who had been in Scotland for a number of years. In June 2007, the Commissioner gave evidence to the Independent Asylum Commission when it met in Glasgow. SCCYP staff have attended the Scottish Parliament's Cross-Party Group on Asylum Seekers and Refugees and supported the Members' Debate in September 2007.





The Commissioner supported the Scottish Government's commitment in August 2007 to take key issues forward with the UK Government, in particular the affirmation in a Scottish Government memo released on 3rd August 2007 that:

- Asylum seekers must be treated fairly and humanely, particularly where children are involved;
- The welfare and rights of all children in Scotland are paramount and must be treated as such;
- The Scottish Government is fundamentally opposed to dawn raids – to any kind of forcible removal of children – and to detention of children at Dungavel.

SCCYP also supported the action of the Scottish Government to ensure that children in the asylum system have access to further and higher education.

These efforts by SCCYP and others have borne fruit in a substantial speeding up of the review of the legacy cases within Scotland, with positive decisions being given to about 90% of these longstanding cases.

Impact

The rights and needs of long staying, well integrated asylum seeking children have been reflected in speeding up of the review of the legacy cases, with a large proportion of positive decisions.

5.5 Children in Prisons and Secure Units

In response to concerns raised by Dr Andrew McLellan, Her Majesty's Chief Inspector of Prisons, the Commissioner embarked on a series of visits to identify issues about children under 16 held in prison establishments. Although few of these (22 children under 16 were detained in prison in Scotland in 2006-2007, mostly for crimes of violence), the Commissioner agreed with the strongly expressed view of the Chief Inspector that it is not appropriate for any children under 16 to be held in these establishments. The Commissioner visited Polmont Young Offenders Institution, Cornton Vale Women's Prison, and a number of other prisons and secure units for children. On 21 February 2008, The Cabinet Secretary for Justice made the welcome announcement that he planned to scrap the "unruly certificates" that allowed children to be held in prisons, and that he would look at ways to ensure that more 16 to 18 year olds are kept out of the prison system. During the coming year, the Commissioner will continue to consider the situation of troubled children under-16 and how they can be kept safe and secure in children's secure units.

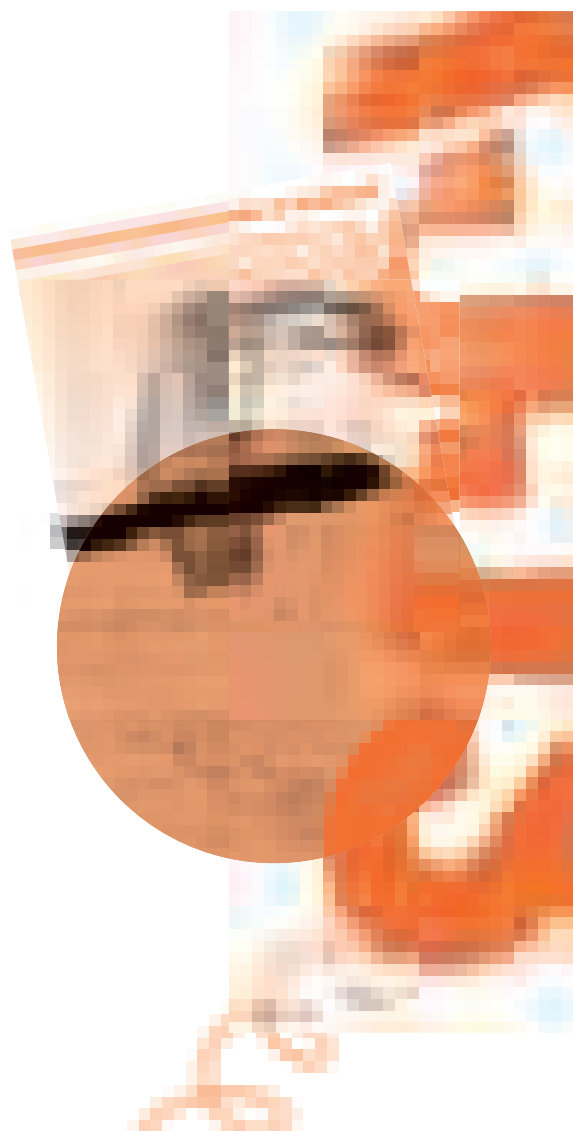
5.6 Children's Rights Impact Assessment

The Children's Rights Impact Assessment developed by SCCYP has continued to be popular, having been adopted by other Commissioners' offices and trialled by the Scottish Government. SCCYP staff presented seminars on the model at the House of Lords, the European Parliament and a training seminar for professionals from Asia organised by the Swedish International Development Cooperation Agency and the Swedish Ombudsman for Children.

5.7 CASE Studentship

SCCYP has collaborated with the University of Edinburgh to fund an Economic Social Research Council Case studentship. The research to be undertaken by Emma Davidson, concerns "Anti social behaviour and children: their spaces, relationships and interactions with formal policy".

Principally the research is concerned with how children and young people define and understand the concept of antisocial behaviour, and how this is affected by, and impacts, children's relationships with peers, family members, and the wider community.







“Thanks so much for all your suggestions. I had no idea where to begin and didn’t know how I could help my son.” **Parent**



5.8 Consultation Responses

The Commissioner submitted the following responses to Government and Parliament proposals:

WRITTEN RESPONSES TO PETITIONS TO THE SCOTTISH PARLIAMENT

PE1098 – School Buses and three point seatbelts Scottish Parliament Public Petitions Committee	January 2008
PE1079 – Educational Maintenance Allowance	December 2007

WRITTEN RESPONSES TO THE SCOTTISH GOVERNMENT

Consultation on Code of Practice on Information Sharing	May 2007
Draft Overnight Stays Consultation for Looked After and Accommodated Children	October 2007
Better Health Better Care	November 2007

Protection of Vulnerable Groups (Scotland) Act 2007 Scottish Vetting and Barring Scheme: Consultation on policy proposals for secondary legislation	February 2008
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Scottish Law Commission Report on Rape and other Sexual Offences	March 2008
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The Looked After Children (Scotland) Regulations – Consultation on Draft Regulations	March 2008
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WRITTEN RESPONSES TO THE HOME OFFICE

Consultation on UASC Planning Better Outcomes & Support for Unaccompanied Asylum Seeking Children	May 2007
Simplifying Immigration Law: an initial consultation	August 2007

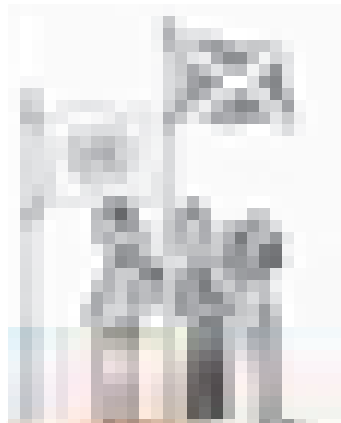
5.9 Reporting to the UN

Every few years, the UK Government must report to the UN Committee on the Rights of the Child on progress in implementing the UNCRC. On the two previous occasions when the UK was subject to such scrutiny, a shadow report was provided by NGOs (non-governmental organisations) to act as a critique of the Government report. This time the UK Children’s Commissioners will also be submitting a report. On the advice of committee members, the offices agreed to work together on a joint report, with contributions from the four nations being co-ordinated by SCCYP. At 31 March 2008, the report was well advanced in preparation for submission to the UN in the middle of May.

5.10 Children’s Policies, Scotland and the EU

In October 2007, the Commissioner travelled to the European Parliament in Brussels in response to an invitation from Eurochild to present the Children’s Rights Impact Assessment developed by SCCYP as a potential model for monitoring European policy.

In February 2008, SCCYP joined with Children in Scotland to organise a European Union seminar for children’s policy workers within Scotland and from the other UK and Irish Children’s Commissioners’ offices. The aim was to share some baseline information about what was happening at EU level that is relevant to children and to help those involved in policy development to understand and feel empowered to help shape European policy.



“Thanks for listening. I didn’t know I had different choices.” **Young person**

5.11 Enquiries Update

The Enquiries Service has three key functions:

- To provide a signposting service to enquirers, supplying details of relevant sources of advice and support;
- To provide the Commissioner with information about enquiries to help identify emerging policy issues; and
- To develop complaint forms for children and young people which encourage them to comment on services and resources available to them. This form is intended to be easily adapted by agencies working with children and young people.

Over the past year the enquiries service has focused on its clearing house function and avoiding becoming too involved in research and advice on individual cases. The time saved will be used to develop a good practice guide on dealing with complaints from or on behalf of children, and work has started on this.

209 enquiries were received this year by telephone, letter or email. As in previous years, most were from parents, grandparents, social workers, children’s rights officers and other professionals working with children and young people. Examples include:

- A young person leaving care asking about her rights and entitlements;
- A grandfather complaining about the lack of local authority support for his grandson who has Asperger’s Syndrome;
- A youth worker expressing concern about the Mosquito device which emits a high pitched sound which is only audible to children and young people; and
- A mother asking what action she could take if she is dissatisfied with the head teacher’s response to her son’s reports of bullying.

“Many thanks once again to all at your office. You’ve been a great support which we appreciate very much.” Carer

Recurring topics include:

- Looked after children, in particular provision and support for young people in care and the rights of young care leavers;
- Young disabled people, including support at home and at school;
- Child protection, in particular questions about guidelines for adults working with children in different settings and appropriate interview skills; and
- Education, in particular children who are bullied by other children or teachers.

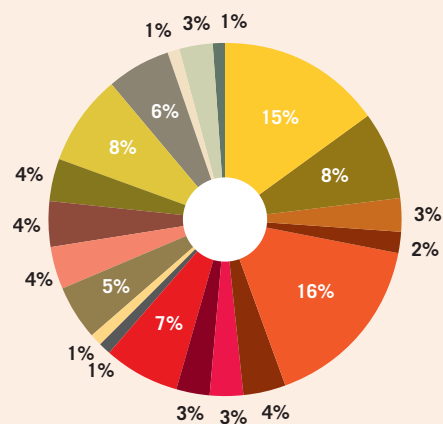
Impact

Following up an issue raised in an enquiry we initiated talks between key agencies to discuss guidelines for officials entering premises where children and young people are present.



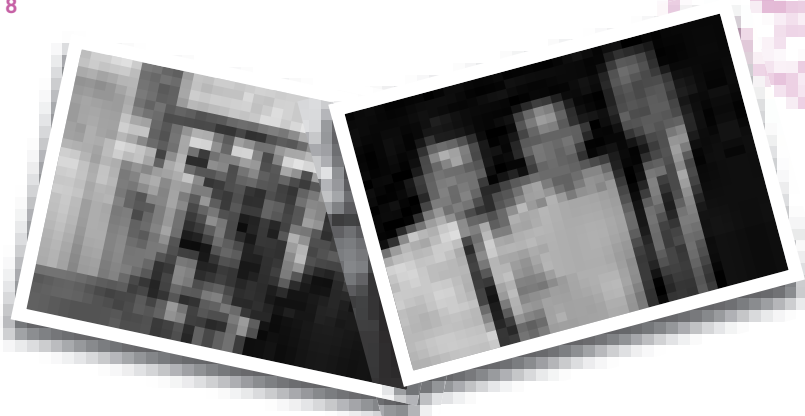
ENQUIRIES RECEIVED BY SCCYP (APRIL 2007-MARCH 2008)

Adoption/Looked After CYP	31	15%
Asylum	17	8%
Bullying	7	3%
Child Care	4	2%
Child Protection	34	16%
Child Rights	8	4%
Contact Issues	6	3%
Disability	6	3%
Education	15	7%
Employment	2	1%
Equality Issues	3	1%
Family Issues	11	5%
General	8	4%
Health	8	4%
Housing	9	4%
Legal	16	8%
Leisure	12	6%
Participation	3	1%
Social Work	6	3%
Other	3	1%
TOTAL:	209	100%



Source: Draft SCCYP Accounts 2007-08

A core principle of the UNCRC is a commitment to involving children and young people in decisions that affect them.



06/ Involving Children and Young People

6.1 SCCYP's Commitment

This is reflected in the Act establishing SCCYP which requires the Commissioner to consult children and young people about the work of her office and to involve them in that work. She must also prepare and keep under review a strategy for doing this. SCCYP's first Participation Strategy, which was laid before Parliament on 17 January 2006, identified a number of principles as the basis of our approach. This has now been slightly modified and expanded in light of experience to the following:

- Participation is a visible commitment that is well resourced
- Children and young people's involvement is valued across all areas of the organisation's work and we make best use of their time with us
- Children and young people are integral to the decision making structures of SCCYP
- Additional resources are allocated to involve harder to reach groups of children and young people and those who don't usually get involved
- Children and young people are provided with support and training so they can make informed contributions to decision making
- SCCYP policy work is informed by the views and experiences of children and young people
- Children and young people's participation is continually monitored, evaluated and improved

Progress and plans for development were noted in last year's annual report. We are committed to evaluating what we are doing and learning from experience with a view to a more radical review next year.

6.2 What happened this year

6.2.1 Safe, Active, Happy

The "Safe, Active, Happy" Action Plan was built upon a consultation with children and young people that identified "Things To Do" as their main priority. The Detective Kit and the No Balls Game project are designed to involve children and young people in taking that issue forward. However, there has also been substantial involvement in some of the work streams into which Safe Active Happy was divided in its mapping phase:

- The research into leisure and recreation facilities for disabled young people was based on the views and experiences of young people who were central to the launch event
- The Sweet 16? report on leaving care was instigated by fears and experiences expressed by young people to the Commissioner. It highlights the views and experiences of young people. Young people with experience of public care were involved in drafting the complementary "Think Before You Move" leaflet
- The report, Handle with Care, was instigated by the expression of concern by one young person that was borne out by discussions with others. The research involved individual and group discussions with young people who were enabled to express their views directly through the accompanying DVD. Young people were present at the launch event which was chaired by a member of SCCYP's Reference Group who had contributed to the report





- The conference on physical punishment: "Respecting Children Supporting Parents: Working towards a violence-free childhood" was designed to ensure that the views and experiences of children were central to the event. It was co-chaired by a member of SCCYP's Reference Group.

6.22 Young People's Groups

SCCYP recruited three young people's groups through open advertisement and interview. They are now in the second year of their two year term. SCCYP are reflecting on and evaluating their experience in order to lay a solid foundation for the next round of recruitment in the context of our revised participation strategy.

Reference Group

This group of 12 young people helps to support decision-making in SCCYP by offering young people's perspectives on specific issues. They act as a sounding board for SCCYP. The group works with us to input into our policy positions, develop our communications, recruit staff and help design and deliver events. They have also been involved in our Research Working Group, advising on research possibilities and evaluating tenders.

Their activities this year include setting up a young researchers' project, allowing them to develop their skills by undertaking research with other young people. Their chosen subject is young people's views of the Educational Maintenance Allowance.

"Being a member of the Reference Group from the beginning, I have seen the progression first hand. This year especially has been a big turning point for the group. We have gelled more and we now know more of what our aims are. This makes it much easier to work together as we're comfortable as a team. Also we have been able to get much more actively involved in SCCYP's work and assigned projects to work on if we have time." Michelle Dearness

Care Action Group

The group was initially set up as a consultation group, allowing us to seek young people's views on any care issues affecting them. At the early stages of the group the young people identified 'consistency', 'our future' and 'stigma' as their top priorities. As part of our ongoing monitoring and evaluation of our group work, we have learned and recognised there was a need to offer additional support and work more informally with the group to ensure they could get the most out of their involvement.

As a result we have adopted a project based approach to our work with them. The young people have decided they would like to focus their efforts on preparing and delivering a Youth Jury on their identified issues. This will involve working both in smaller groups and as a large group, culminating in an event where young people show their findings to decision makers with a view to getting commitments on what decision makers will do to address these issues.

In addition we have increased the number of young people in the group to 12 members. This involved recruiting 5 new members with the help of the Fostering Network Scotland and Who Cares? Scotland. The office also provided additional staffing to help support the members to take part in the group work activities.

This re-ordering of the work and change in shape of the group has meant that while there has been training and other activities, the group has done little substantive work this year. This led to frustration and the feeling by some long standing members that the group "has not done anything". There is also recognition from members that "last year we just started so there were always going to be teething problems" and a real sense of renewed commitment to achieving the goals and aims of the new and exciting project based work. We look forward to consolidating our level of support and approach over the next year and hope this will provide the young people with the ways and means of engaging effectively with the work and achieving their goals.

Young People's Health Advisory Group

SCCYP has worked in partnership with NHS Education Scotland to set up and support a Young People's Health Advisory Group (YPHAG). The group of 8 young people have been working across the health sector to provide advice and a young people's perspective on health-related matters. The group identified its top priority as mental health amongst young people and travelled to London to give evidence on this to the Good Childhood Inquiry.

While in London, they took the opportunity to visit the award winning Evelina Children's Hospital which consulted children on the layout, design, colour schemes and themes for the interior of the hospital.

They hope to apply what they learned from this visit to their contribution to the rebuild of the Edinburgh Sick Kids Hospital in order to ensure that the design of the new building reflects the views, needs and aspirations of the children and young people who will use it. The group helped set up a further young people's group to support the development of the hospital.

"I very much enjoyed my work experience placement at SCCYP as I found that the staff were very welcoming. I also gained a better understanding of rights and responsibilities that children and young people have..."



The group has also given advice to the General Medical Council on their guidance to doctors working with children and supported the training of nurses at Robert Gordon University. It has set up a sub-group to produce a young people's version of the Action Framework, a 10 year Government Strategy that aims to improve young people's health in Scotland.

"I have been a member of the YPHAG for the last two years and can honestly say that I have enjoyed every minute of it! It has been so rewarding; learning about the NHS and children's rights as well as meeting lots of amazing people. It's great to be a part of a group that influences NHS policies and tries to create a voice for children and young people in the NHS. The group has really helped me build up confidence and I have gained so much experience through the different training we have been given." Heather Turnbull

6.23 Children's Parliament

SCCYP's partnership with the Children's Parliament allows access to groups of children aged 8-13 in South Ayrshire, Western Isles, Midlothian, Edinburgh and Fife. It is SCCYP's main means of engaging with under 12s and as a result staff are developing the key skills and experience in communicating and engaging with this age group. SCCYP staff act as ambassadors to these local groups and take part in the design, delivery and evaluation of their creative group work. The young members of the Children's Parliament take part in a three year in-depth programme of work. A range of creative methods allows them to explore issues relating to rights and citizenship.

6.24 Young Children

SCCYP staff have been attending nurseries on work placements in order to inform our approach to participatory work with young children. Children from Croftamie nursery in Stirling Council have helped design a "Wishing Door" for the SCCYP office which will give entry to a wishing tree with leaves bearing children's messages about the things they wish for.

Our Research Officer also benefited from a visit to Reggio Emilia to take part in a specialist international study week focusing on pedagogical documentation. The week provided an opportunity to share knowledge and experience with 200 delegates from all over the world.

6.25 Work Experience

Contact with children and young people with additional support needs made SCCYP aware of the difficulties they faced in finding work experience placements. It was decided to work with schools to offer work experience opportunities for two young people each year. This year SCCYP worked with the Royal Blind School and welcomed Luke Quinn and Jennifer Murray to the office. It was a stimulating experience for all and particularly challenging as the office was suffering the effects of a very recent flood which put a substantial part of our already modest space out of action. With Luke and Jennifer's help, staff improvised and worked through it and it proved to be a positive experience for both the young people and the SCCYP staff.

6.26 Happy Birthday UN Convention!

The 20th November 2007 was the 18th birthday of the UN Convention on the Rights of the Child. We celebrated it with a birthday party for local school children in Edinburgh's Storytelling Centre.

We also marked the occasion by a launch event at the Parliament for SCCYP's illustrated articles of the Convention discussed further at 5.12.

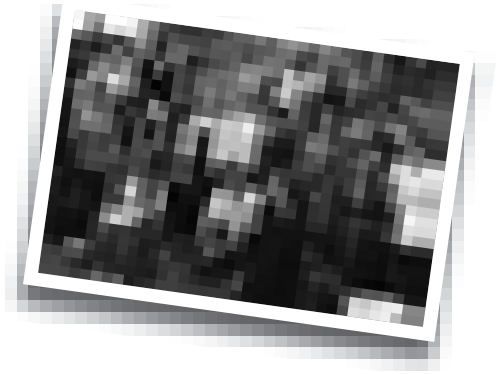
6.27 National Youth Parliament Competition

SCCYP is a national partner for the Youth Parliament Competition, run in partnership with the Citizenship Foundation. This debating competition is aimed at schools and youth groups from across Scotland with thousands taking part each year. 12-18 year olds recreate the Scottish Parliament Debating Chamber in their school or youth group. The short-listed entrants then present their debate in the Scottish Parliament. The winners are celebrated at an award ceremony presented by the First Minister and Presiding Officer of the Parliament. Members of SCCYP's Reference Group worked alongside politicians to judge the entrants.

6.28 Young Scot Awards

SCCYP sponsored the "Citizenship and Democracy" category in the Young Scot Awards which celebrate the exceptional contributions of young people across Scotland. Nominations for this category included: the Young Edinburgh Communications Group who promote positive images of young people in Edinburgh; a young woman from Cumbernauld who mentors younger pupils in her school; and the winners – 'Youth End Poverty' – two young men who set up an anti-poverty campaign in Dundee.

...I thoroughly enjoyed meeting new people when we went out places and I think anybody who is interested in learning new things should go to SCCYP.” **Jennifer Murray**



6.3 The Participation Strategy – what next?

6.31 Reviewing the Strategy

SCCYP's first Participation Strategy was laid before Parliament on 17 January 2006 and is available on www.sccyp.org.uk. Last year SCCYP were able to report on how the office had taken it forward by establishing young people's groups and developing a number of tools to assist consultation with children and young people and their involvement in decision-making. This year SCCYP has been evaluating some of the work formally, reviewing the impact of other work and working partnerships, and flagging up issues to be taken forward in a more radical review next year.

6.32 Children and Young People's Groups

All three young people's groups will finish their first term of office next year, so it will be time to take stock. It has been interesting to watch the growth and activity of the three groups which are very diverse in character and focus.

The Reference Group is undergoing a formal evaluation that will inform its future direction. This year staff will be discussing with them what that future direction should be. Some young people are interested in shaping the office through involvement in governance issues, while others prefer a more concrete policy focus. We need to take account of the implications of sheer physical distance, and also the fact that our young members have other interests and commitments, including studying and exams. We have to get the right balance between involving them in lots of things, and involving them more meaningfully in a few things; between organisational issues and very concrete policy and practice issues that are relevant to their lives.

In March 2008, the group visited the Youth Panel at NICCY, the office of the Northern Ireland Commissioner for Children and Young People, in order to inspire them to think about other ways of doing things.

The Young People's Health Advisory Group (YPHAG) is also being evaluated. The results of this will inform decisions about the future of the group; whether it remains a standing group as part of a SCCYP partnership with NES or whether it should act as a model for the development of groups with other policy directions.

As noted at 6.22, The Care Action Group (CAG) has already taken a different direction to what we initially envisaged. Rather than acting as a general sounding board next year, it will embark on a Youth Jury project. This will involve project work to take forward the group's three policy priorities ('consistency', 'stigma' and 'our future'), culminating in an event at which decision-makers will be engaged and invited to identify how they will take the group's issues forward. SCCYP staff hope to work in closer partnership with Who Cares? Scotland in terms of consultation with looked after young people on other policy issues.

The office has also been reviewing the impact of the much valued partnership with the Children's Parliament in order to make sure we get the best out of the opportunity to engage in a creative way with children aged 8 – 13. SCCYP is constantly reflecting on our approach to consultation, and have, for example changed the ways in which we consult through the Children's Parliament in light of experience.

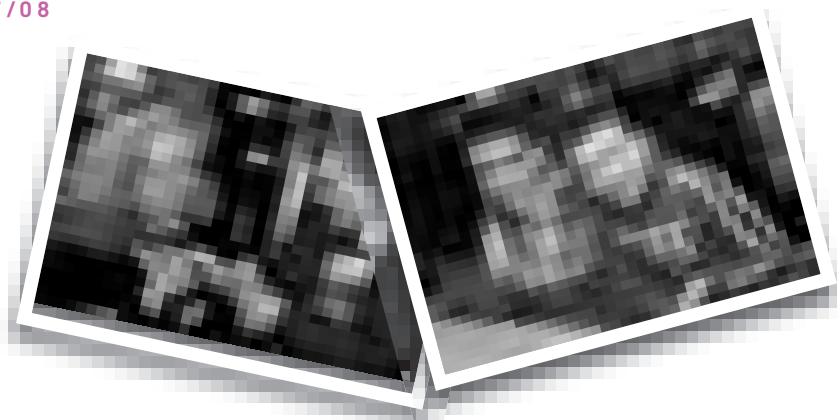
6.33 New Directions in Consultation

Future possibilities that will be explored this year include the Swedish model of "contact classes" as a vehicle for consultation. This involves selected schools agreeing to facilitate on-line consultations with pupils twice per year. SCCYP is exploring what added value we can give to the very promising UNICEF Rights Respecting Schools project.

We will be preparing the ground for our next national consultation with children and young people, scheduled for 2009. In doing so, SCCYP staff will learn from the experience of colleagues in England, Wales, Northern Ireland and the Republic of Ireland. Together we form BINOCC – The British and Irish Network of Ombudsmen and Commissioners for Children. The offices are constantly learning from and overtaking each other in terms of good practice. In particular, the Republic of Ireland recently ran a very successful referendum for children that SCCYP will be examining closely to see what we can be learned from it.

SCCYP staff are currently exploring how to involve younger children more closely in our work. The office has been gathering information on good practice and members of staff have spent time in nursery placements in order to hone their skills. We have used a Wishing Tree, commissioned for a particular event as a way of accessing children's views. This year we will be developing that project through an embellished "Wishing Door" in our office, based on ideas collected from nursery children. We need to build on what has been learned to ensure that the voices of our youngest citizens help shape our next set of priorities.





6.34 Issue-specific Consultations

Sometimes SCCYP needs to consult very specific groups of children and young people about issues such as disability, being in care, or being excluded in a variety of ways. Staff have learned that it is best to do this as far as possible through people that they already know and trust. It takes a long time to build up trust and a consultation period is not usually going to be long enough for SCCYP staff to do this. We have listened to the children of prisoners through contact with Project Happy and Families Outside; disabled young people through Playback; looked after children through Who Cares? Scotland; abused or frightened children through our work with ChildLine and Children 1st on physical punishment. SCCYP needs to continue to strengthen relationships with detached youth workers, children's rights officers and organisations that work with and for children and young people to allow us to respond appropriately to emerging issues.

6.35 Communications

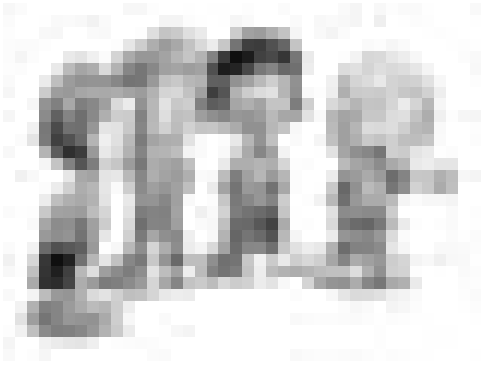
The website has to be a critical tool for engaging children and young people. Next year SCCYP will launch our revamped website, which will be segmented into two sections, young people and adults. It will have more interactive possibilities and we hope to develop our use of the comments function and voting mechanism as consultation tools. We are particularly keen to make sure we are as accessible as possible to young people with additional support needs. One way we are doing this is by offering work experience placements to young people with particular needs. Last year we welcomed two young people from the Royal Blind School who made a valuable contribution to our website as well as helping us in other ways. This year we will be focusing on a different communication need.

The website has a Participation Portal, which is a library of resources to help those who wish to learn from tried and tested examples of working with children and young people in a participatory way. SCCYP are committed to keeping this updated and welcome contributions from those with something positive to tell us about their work. It will also be a vehicle for disseminating the children's rights workshop packages SCCYP will be finalised next year, and the children's rights illustrations launched last year.

SCCYP will continue to produce attractive and engaging young people's versions of reports. There are also plans to produce a new information leaflet about the Commissioner and an accompanying leaflet for parents to show them how knowing about children's rights can help them get the best for their children.

SCCYP has experimented with e-newsletters – for children and young people, for adults interested in child policy and for MSPs. But we do not think we have got this right! We will review what we have done so far to help identify how we can make this more effective.

SCCYP



6.36 Out and About

SCCYP staff members have always travelled around meeting groups of children and young people. However, there are few of us and one million children, so we need to adopt a strategic approach. The children's rights workshops developed through direct work with children and young people will be packaged for others to use. SCCYP staff will still deliver some workshops, but will generally focus on groups who are sometimes categorised as hard to reach. Participation staff will be running taster sessions for workers to come along and see how they can make best use of our online resources. The Act setting up the Commissioner's post says there should be a particular focus on "groups of children and young people who do not have other adequate means by which they can make their views known." They will be our priority for direct work.

Nevertheless, we will still be out on the road in a focused way through our partnership with Young Scot, with whom we will carry out four road shows using the Young Scot facilities. There will be further direct work with children and young people through particular projects such as the No Ball Games project, part of our commitment to promote more things to do. We have also been working with UNICEF to support their Rights Respecting Schools initiative which involves visiting schools across the country who are engaged in developing a children's rights approach both within their school and within their communities.

SCCYP would like to move towards a new method of engagement through what we call "group case work." SCCYP does not have a remit to investigate individual cases, but we have helped groups of children on occasion and would like to explore how we could do this in a more planned way. It could be quite resource intensive, so would need to be programmed as an activity that could start when capacity became available.

6.37 Celebrations

The major celebration of last year was our Children's Choice Award. This year SCCYP want to make it even bigger. It was a tremendous "feel good" event presenting a positive picture of children and young people and those who care for and work with them. Children and young people are responsible for nominating adults for the awards and children do the judging and make the decisions about who should receive awards.

An event is also planned to celebrate the work being done across the country to provide "Things to Do" for children and young people. This will showcase exciting and innovative initiatives. It is hoped to use this as a vehicle for disseminating good practice.

6.38 Conclusion

As a new organisation, SCCYP started off with a blank canvas and lots of individual expertise. We have got off to a strong start in our participation work. The office has matured and is developing a shared understanding of the possibilities available to an organisation with our resources. As is always the case, some things work better than others. The coming year will be one for evaluation, reflection and imagination in moving towards an even more participatory future.





07/ The Coming Year


Plans for Next Year

2008-2009 will be dominated by:

- Taking forward the conclusions and recommendations arising out of the work on “Safe, Active, Happy”;
- Finalising the report for the UN Committee on the Rights of the Child and presenting it in Geneva;
- Following through the conclusions and recommendations of the UN Committee to ensure they are widely disseminated throughout Scotland and acted upon;
- Taking stock of our participation strategy, learning from feedback and evaluation and laying the foundations for a revised strategy.

We will also be analysing the results of The Detective Kit and the No Ball Games project and taking them forward with decision-makers.

Like other organisations in Scotland, we will have to review our approach to policy development in the light of the Concordat between the Scottish Government and local authorities.



08/ Office Issues

Flood

It is amazing how much damage a little bit of water can do. During the period June – October 2007, a large part of our modest office was out of action due to flood damage. A number of computers could not be used and some staff had to work from home on a rota basis. Despite this, the office continued to function well and even managed to continue with a planned week-long work experience placement for two visually impaired pupils.

Publication of Equality Duties – Race, Disability & Gender

Under Section 5 (4) of the Commissioner for Children and Scotland Act (2003), the Commissioner has a duty to act in a manner which encourages equal opportunities and, in particular, the observance of the equal opportunity requirements. This is a responsibility SCCYP take very seriously indeed and is at the heart of what SCCYP does as an office.

SCCYP are currently reviewing existing policies and setting up mechanisms to ensure that equality requirements are mainstreamed into all work activities – from the participation strategy and policy development through to the issuing of tenders, recruitment and the purchasing of goods and equipment. We are also committed to the involvement of relevant stakeholders (in particular children and young people) in all aspects of work.

BINOCC Staff Conference – London

BINOCC is the British and Irish Network of Ombudsmen and Commissioners for Children. SCCYP staff report the enormous benefits they receive from contact with their colleagues in other Children's Commissioner's offices in the UK and Ireland. BINOCC holds an annual staff conference to help cement relationships, share learning and support good practice. The second such conference was held in London in November 2007 with most of the SCCYP staff attending. SCCYP will be hosting the third conference in Edinburgh in November 2008.



09/ Accounts

The Financial Position

SCCYPs expenditure on operating activities for the year ended 31 March 2008 totalled £1,317,000 (2007 £1,165,000). This was on staffing costs £655,000 (2007 £632,000), other operating expenditure £592,000 (2007 £475,000) and depreciation £70,000 (2007 £58,000). Income for the year was £22,000 (2007 £21,000).

A further £4,000 (2007 £53,000) was spent on capital additions during the financial year giving total expenditure of £1,321,000. Excluding non cash items (Depreciation £70,000 and cost of Capital £7,000) total expenditure was £1,244,000. This compares to a budget of £1,275,000 representing an underspend of £31,000.

This saving in the year was as result of a staff reorganisation carried out at the end of the previous financial year.

The chart opposite illustrates the cost of operating activities by category of expenditure. Excluding staffing costs of £655,000 and depreciation of £70,000, other operating expenditure amounted to £592,000, of which Property (17%) includes all rent, rates, energy costs, property insurance, repairs, maintenance and cleaning. Administration (10%) includes all normal office running costs, for example, stationery, postage, telephones, photocopying, printing, equipment maintenance etc. Recruitment (1%) includes costs for advertising and venue hire for one post and Training (4%) includes investment in both the individual and staff teams.

Travel and expenses (5%) includes costs incurred both by the Commissioner and the SCCYP staff team. Promotion and Participation (32%) includes all activities, for example, publicity, promotion and participation, undertaken in fulfilment of the general function of the Commissioner, which is to promote and safeguard the rights of children and young people, and is expanded elsewhere in the Annual Report. Research (15%) includes a number of projects related to the "Safe, Active, Happy" Action Plan. IT (2%) includes the cost of support and maintenance for the Office and the Complaints Handling and Support (CHAS) servers. Website development and maintenance (7%) includes continued development of the SCCYP website as a major interactive tool for communicating with children and young people. Professional fees (6%) include the costs of payroll support, legal and audit accountancy, along with the engagement of a consultant, to deliver child protection training.

Notional cost of capital accounts for 1%.

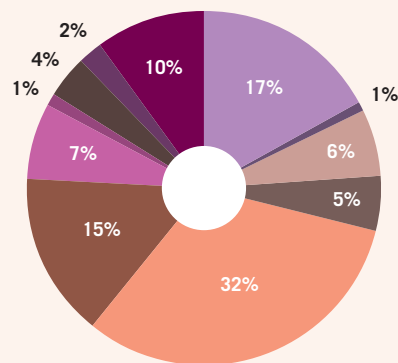
A full copy of the Annual Accounts 2007–08 can be obtained on request at the SCCYP office and are printed in full on www.sccyp.org.uk

The accounts are still subject to approval by the external auditors.



OPERATING COSTS

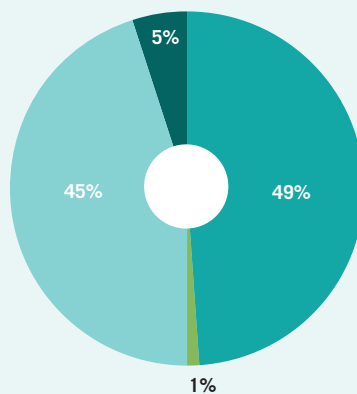
Property Costs	£102,000	17%
Notional Cost of Capital	£7,000	1%
Professional Fees	£33,000	6%
Travel & Expenses	£31,000	5%
Promotion & Participation	£192,000	32%
Research	£87,000	15%
Website	£41,000	7%
Recruitment	£3,000	1%
Training	£24,000	4%
IT	£12,000	2%
Administration Costs	£60,000	10%
Total	£592,000	100%



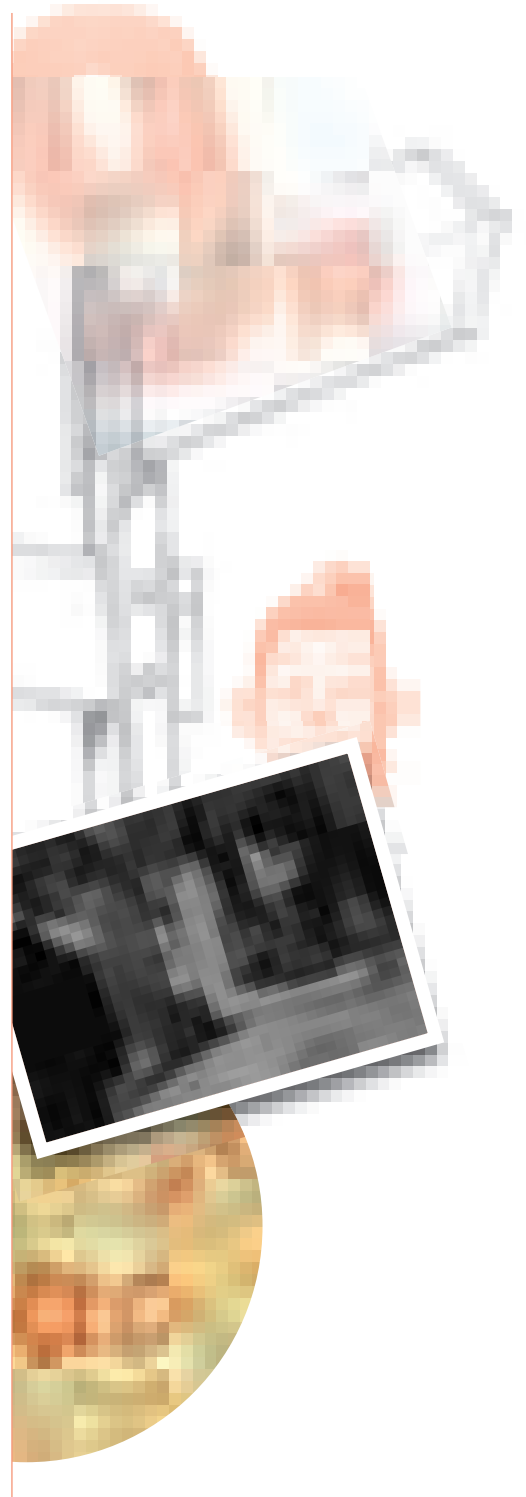
Source: Draft SCCYP Accounts 2007-08

NET EXPENDITURE

Staffing Costs	£655,000.00	49%
Capital Expenditure	£4,000.00	>1%
Operating Costs	£592,000.00	45%
Depreciation	£70,000.00	5%
Total	£1,321,000.00	100%



Source: Draft SCCYP Accounts 2007-08



10/ Legal Compliance

Commissioner for Children and Young People (Scotland) Act 2003

10 Annual report

- (1) The Commissioner must lay before the Parliament annually a report on the exercise of the Commissioner's functions.
- (2) The report must include –
 - a) a review of issues identified by the Commissioner in the period covered by the report as being relevant to children and young people;
 - b) a review of the Commissioner's activity in that period, including the steps taken to fulfil each of the Commissioner's functions;
 - c) any recommendations by the Commissioner arising out of such activity; and
 - d) an overview of work to be undertaken by the Commissioner in the year following the period covered by the report, including the strategy for involving children and young people in the work of the Commissioner.



Section	Function	Place in Annual Report	Page
4(1)	Promote and safeguard the rights of children and young people	The Commissioner's Activities	10 – 19
4(2)(a)	Promote awareness and understanding of rights of children and young people	Awareness and Understanding of SCCYP and the UNCRC	10 – 11
4(2)(b)	Keep under review the law, policy and practice relating to the rights of children and young people with a view to assessing the adequacy and effectiveness of such law, policy and practice	The "Safe, Active Happy" Action Plan Prisoners' Children Asylum Children in Prisons and Secure Units Consultation Responses Children's Rights Impact Assessment	11 – 13 14 14 15 18 15
4(2)(c)	Promote best practice by service provider	The "Safe, Active Happy" Action Plan Prisoners' Children Asylum Children in Prisons and Secure Units Consultation Responses	11 – 13 14 14 15 18
4(2)(d)	Promote, commission, undertake and publish research on matters relating to the rights of children and young people.	The "Safe, Active Happy" Action Plan	11 – 13
6(1)	Encourage the involvement of children and young people in the work of the Commissioner	Young People's Groups Involving Children and Young People	21 – 22 20 – 25
6(2)(a)(i)-(iii)	Ensure that children and young people are aware of the functions of the Commissioner, the ways in which they may communicate with the Commissioner and the ways in which the Commissioner may respond	Involving Children and Young People Enquiries Update	20 – 25 19
6(2)(b)	Consult children and young people on the work to be undertaken by the Commissioner	Young People's Groups Involving Children and Young People The "Safe, Active, Happy" Action Plan	21 – 22 20 – 25 11 – 13
6(2)(c)	Consult organisations working with and for children and young people on the work to be undertaken by the Commissioner	The "Safe, Active, Happy" Action Plan Children's Policies, Scotland the EU	11 – 13 18
6(3)	Pay particular attention to children and young people who do not have other adequate means to make their views known	Involving Children and Young People Prisoners' children Asylum Children in Prisons and Secure Units	20 – 25 14 14 15
6(4)	Prepare and keep under review a strategy for involving children and young people in the work of the Commissioner	Involving Children and Young People	20 – 25
7	Carry out investigations on the extent to which service providers have regard to the rights, interests and views of children and young people, on relevant matters of 'particular significance' to groups	None	
	Issues identified by the Commissioner	Issues for Scotland's Children	8 – 9
	Recommendations	Recommendations	3 – 4
	Future work and participation strategy	The Coming Year, The Participation Strategy – what next?	26 23 – 25

20 APRIL

SCCYP host the BINOCC meeting of the UK Children's Commissioners.



20 – 21 APRIL

SCCYP staff work in partnership with the Children's Parliament in the Western Isles.



APRIL 07



24 MAY

SCCYP hold Safe, Active, Happy Forum.

25 MAY

SCCYP staff work in partnership with the Children's Parliament in North Edinburgh.



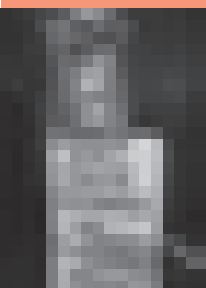
MAY 07

9 – 10 JUNE

SCCYP staff work in partnership with the Children's Parliament in the Western Isles.

11 – 15 JUNE

Children from the Royal Blind School in Edinburgh on work experience placement at SCCYP.



20 JUNE

SCCYP hold "Respecting Children, Supporting Parents: working towards a violence free childhood" Conference on physical punishment.

21 JUNE

Members of the SCCYP Reference Group judge the National Youth Parliament Competition.



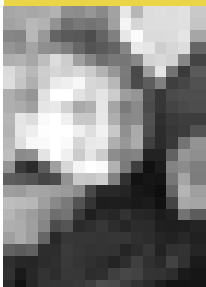
JUNE 07

4 JULY

Participation workers meet with Who Cares? to seek help in engaging new members for the Care Action Group.

9 JULY

Staff member starts Early Years placement at a nursery.

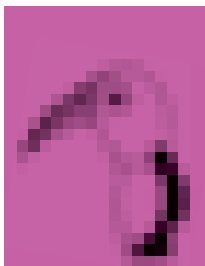


9 JULY

Participation workers meet with Fostering Network to seek help in engaging new members for the Care Action Group.



JULY 07



18 AUGUST

SCCYP's Young People's Health Advisory Group meets leading mental health charities to progress positive mental health training.

31 AUGUST

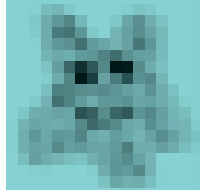
First meeting of the SCCYP Young Researchers Group.



AUGUST 07

1 – 2 SEPTEMBER

SCCYP Reference Group residential at Netherurd House, Peeblesshire.



1 – 2 SEPTEMBER

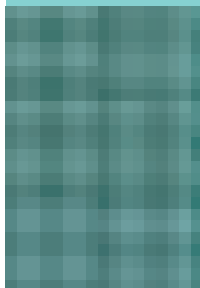
SCCYP facilitate the Under 5s tent at the Edinburgh Mela.

18 SEPTEMBER

CASE Studentship student starts term at SCCYP.

28 SEPTEMBER

SCCYP Safe, Active, Happy Advisory Group meeting.



SEPTEMBER 07

13 OCTOBER

Meeting of the SCCYP Young Researchers Group.

16 OCTOBER

Publication of research on adult attitudes towards contact with children and young people.

8 – 9 NOVEMBER

Staff attend the BINOCC annual conference in London.

20 NOVEMBER

18th Anniversary of the UN Convention on the Rights of the Child celebration events.

25 NOVEMBER

Publication of Playing it Safe? research on outdoor activities for looked after children and young people.

26 – 30 NOVEMBER

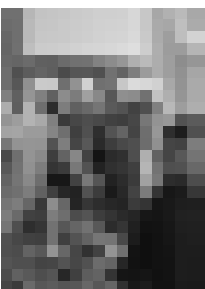
SCCYP Research Officer study visit to Reggio Emilia.

17 DECEMBER

Launch of Being Young in Scotland survey by Youthlink in association with SCCYP.

19 DECEMBER

New members of the SCCYP Care Action Group meet for the first time.



15 – 16 JANUARY

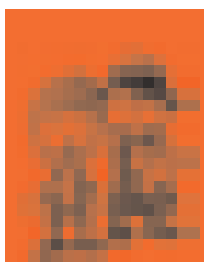
SCCYP's Young People's Health Advisory Group visit Evalina Hospital in London.

16 JANUARY

Publication of Playback research on leisure facilities for disabled young people.

25 JANUARY

Members of SCCYP's young people's groups attend Radio Scotland's "Question Time" event to ask politicians about eradicating child poverty.



5 FEBRUARY

Launch of the SCCYP Detective Kit.

6 FEBRUARY

SCCYP Safe, Active, Happy Advisory Group meeting.

7 FEBRUARY

Not Seen. Not Heard. Not Guilty: a report on the rights and status of children of prisoners, laid before the Scottish Parliament.

15 – 16 FEBRUARY

Members of the SCCYP Young People's groups judge the 12 and over category of the SCCYP Children's Choice Award.

19 FEBRUARY

Pupils from Royal Mile Primary, Edinburgh judge the under 12 category of the SCCYP Children's Choice Award.

27 FEBRUARY

Handle with Care: a report on the moving and handling of children and young people with disabilities, laid before the Scottish Parliament.

13 MARCH

SCCYP's Children's Choice Award Event 2008.

14 – 16 MARCH

SCCYP Reference Group visit Belfast to meet the NICCY Youth Panel.

25 MARCH

Sweet 16?: a report on the age of leaving care in Scotland, laid before the Scottish Parliament.



BIG thanks to pupils at Paradykes Primary School in Loanhead for their creative artwork contributions.

OCTOBER 07

NOVEMBER 07

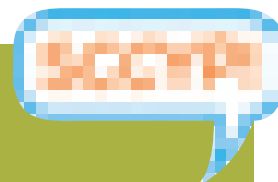
DECEMBER 07

JANUARY 08

FEBRUARY 08

MARCH 08





Scotland's
Commissioner
for Children and
Young People

FOURTH ANNUAL REPORT

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