

**Child Rights and Wellbeing
Impact Assessment (CRWIA)**

Coronavirus (Scotland) Bill

March 2020



Scottish Government
Riaghaltas na h-Alba
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Child Rights and Wellbeing Impact Assessment: Stage 1 Screening - key questions

1. What aspects of the policy/measure will affect children and young people up to the age of 18?

The Bill proposes making provision to:

- Amend regulation-making requirements to vary functions of National Convener and Principal Reporter
- Permit electronic authentication of children's hearing decisions
- Relax timescales for post-emergency transfer hearings
- Provide for additional time to arrange a post-emergency secure placement review hearing
- Extend time limits for court applications and appeals
- Allow more flexibility for children's panel composition on number of members and gender
- Relax timescales for child assessment orders
- Suspend second working day hearing in child protection order proceedings
- Dispense with the need for personal appearance at children's hearings by children, relevant persons and others
- Prevent lawful compulsory supervision orders from lapsing due to time constraints
- Extend maximum periods of interim orders in respect of children
- Remove maximum limit on foster placements
- Relax timescales for kinship placement assessments
- Extend the 6 month moratorium on debt relief
- Relax timescales for Scottish social security re-determination and appeal requests
- Relax age limits for applications for Best Start Grant and Young Carer Grant assistance
- Enable solemn trials to proceed in front of a sheriff or judge without the need for a jury
- Suspend statutory time limits criminal court procedure for a period of 6 months
- Expand of the use of alternatives to prosecution by increasing the maximum available fixed penalty available to the Procurators Fiscal
- Increase the power of the court in relation to admissibility of hearsay statements under section 259 of the Criminal Procedure (Scotland) Act 1995
- Allow sheriffs and summary sheriffs to exercise Scotland-wide jurisdiction in custody cases, with remote attendance from centralised Police Scotland custody suites or attendance at a custody court which is local to the facility where they are being held
- Enable electronic transmission and signature across criminal and civil court and tribunal procedure
- Minimise the need for physical attendance at courts and tribunals by enhancing circumstances in which hearings can be conducted over video or audio link
- Establish a new power for emergency release for prisoners, modelled on current UK Government powers under section 32 of the Criminal Justice Act 1982

- Extend time limits for unpaid work as part of Community Payback Orders, enable the postponement of certain community sentences (esp. Community Payback Orders) for a specified period of time, and enable the variation of community sentences
- Reduce the number of oral parole hearings carried out face-to-face, and ensure the functions of the Chair can be delegated to others
- Increase the availability of interim payments to solicitors and advocates in relation to legal aid
- Extend the notice to leave period for private rented sector landlords and the notice for recovery of possession for social landlords
- Make all grounds for repossession discretionary so that the Tribunal, once operational again, can consider the full facts of the case when deciding whether to grant an eviction
- Extend the period of appointment of guardians, and for period of authorisation of medical treatment by s.47 certificates. Also the provision of services by local authorities under s.13za of the Social Work (Scotland) Act 1968, including moving adults to residential accommodation
- Extend the maximum period within which Scottish public authorities must respond to FOI requests

2. What likely impact - direct or indirect - will the policy/measure have on children and young people?

Children's Hearing and Related Systems

Reformed Regulation-making power to amend functions of National Convener (CHS) and Principal Reporter (SCRA): no direct likely impact on children

Under the Children's Hearings (Scotland) Act 2011('the 2011 Act'), various functions are conferred on the National Convener or the Principal Reporter in relation to, for example, the convening of children's hearings, procedure in relation to hearings, notifications of hearings and outcomes and the composition of children's panels.

Sections 10 and 18 of the 2011 Act confer regulation-making powers on the Scottish Ministers to adjust – be that limiting, extending or varying - the functions of the National Convener and Principal Reporter. The exercise of these powers would usually be subject to super-affirmative procedure (as set out in section 198 of the 2011).

There may be circumstances where it becomes necessary in light of the coronavirus outbreak period to quickly adjust the functions of either office-holder e.g. to deal with any incapacity in relation to either office holder or deputies, or both, and the need to transfer or delegate the exercise of functions to another person. In those circumstances, Ministers wish to exercise those powers swiftly rather than requiring prior approval by Parliament under a lengthy and onerous super-affirmative procedure that could take a number of months.

Permit electronic authentication of children's hearing decisions: limited positive impact on children – swifter notification of hearing outcomes

The decision and reasons of the hearing, as well as other reports, orders or warrants which the hearing issues must be signed by the chairing member of the hearing. The children's reporter must send notification of the decision and reasons, copies of orders issued etc. to the affected child and their relevant persons.

The chair of a hearing must currently add a wet signature to any decision made or order issued. This is because a number of Rules in the Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 ("the 2013 Rules") refer to the duty on the chairing member to "sign" the record, and there is no provision which allows this to be done electronically.

Covid-19 means that it will not be possible for children's hearings to be carried out in the usual format. The decisions will be made remotely with the panel member in a different place from the children's reporter and the paperwork will not be able to be signed by hand.

Provisions are required which allow decisions or orders to be authenticated electronically. Also, the Bill enables the chairing member of a children's hearing or the children's reporter to be able to do so. The chairing member may not have the technological capacity to remotely record and authenticate documents. Therefore, we require the children's reporter to be able to do that. This will ensure maximum flexibility so that the reporter can still notify decisions, reasons and orders as promptly as possible to those who are affected.

Relax timescales for post-emergency transfer children's hearings – limited adverse impact on children – independent legal decisions will take place - but in a maximum of 7 days rather than 3 days

When a child is required to stay in a specified place as a condition of their compulsory supervision order or interim compulsory supervision order, section 143 of the 2011 Act provides the chief social work officer with the power to transfer the child from that accommodation where such a transfer is required in the interests of the child or another child in that accommodation as a matter of urgent necessity. This would apply where there is an immediate necessity that cannot wait until a children's hearing has been arranged. Section 137(3) of the 2011 Act requires that a hearing to review the compulsory supervision order must be held within 3 days.

There are concerns that due to the Covid-19 outbreak, there may be a high proportion children subject such orders who have to urgently be moved out of the place they are residing - in an unplanned way. The Bill therefore makes provision for a review to take place within 7 days beginning with the day on which the child is transferred. This would provide appropriate flexibility for local authorities to manage resources during this critical time, whilst still providing the certainty of independent oversight within a short time.

Extend timescales for review of emergency secure placement – limited adverse impact on children – independent oversight and legal authority will take place within an aggregate maximum of 96 hours rather than 72 hours.

Due to Covid-19 there may be many good reasons why there cannot be a review hearing lawfully constituted within 72 hours, even remotely. The secure accommodation may become affected by the virus in that period, preventing the child being able to be involved in a hearing even remotely in an emergency. There will also be significant challenges with convening a lawful children's hearing – with the participation of children, families, multiple professionals and legal representatives, within existing timescales in the peak Covid-19 period.

This Bill allows the 72 hour period to be extended by up to 24 hours if the children's reporter considers it is not practicable to arrange a hearing within 72 hours.

To also extend the maximum period during which a child may be kept in secure accommodation without the authority of the children's hearing or the sheriff is an aggregate of 72 hours (whether or not consecutive) in any period of 28 consecutive days to 96 hours.

Extend timescales for appeals and court applications – positive impact on children's rights – relaxed timescales to lodge and consider appeals will maximise children's access to justice in the context of constrained court capacity during the period covered by the Bill

There is risk of reduced accessibility to courts due to illness or self-isolation and also of social distancing for children, relevant persons, or legal representatives. These factors will impact on their ability to meet existing appeal timescales or to challenge decisions effectively.

In addition, the capacity of SCRA to meet a 7 day deadline to lodge an application for proof could be impossible. If the application is not lodged timeously, it will become incompetent and the child will not be protected.

Courts may also not be able to arrange an application or dispose of an appeal in short timescales, due to the lack of available judiciary or court staff. This could mean that an authorisation or order will expire and place a child at risk.

We are extending the time limits for the making of appeals, for the making of court applications and the disposal of appeals.

Allow more flexibility for children's panel composition – no direct impact on children – decision-makers still independent and children's appeal and review rights remain in place

We require amendment of section 5 of the 2011 Act to enable a children's hearing to consist of less than three members of the Children's Panel where it would not be practical to comply with that provision because of the coronavirus outbreak.

In certain circumstances, this could even enable consideration of matters by a panel of one member.

We require amendment to section 6, to disapply the requirement for male and female panel members where it would not be practical to comply with it.

In consequence, this will also require similar amendment of provisions in the Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 ("the 2013 Rules")¹ which contain references to 3 panel members or to requirements for male and female members

This will result in children's hearings being able to continue and decisions to be made for our most vulnerable children and young people.

Relax timescales for child assessment orders – Positive impact on children's rights since the introduction of school closures makes the children affected by this less visible and relaxing timescales enables local authorities to ensure that they have sufficient capacity to execute the order and arrange and conduct the relevant assessments.

Child assessment orders allow a local authority to make an assessment of a child's health or development, or of the way in which the child has been or is being treated or neglected. They can contain specific requirements such as requiring the taking of a child to any place within 24 hours of the order being granted, and keeping them in that place for a specified period, but for no more than 3 days from the issuing of the order.

We propose an extension to the time periods specified in section 35(5) of the 2011 Act to enable local authorities to ensure that they have sufficient capacity to execute the order and arrange and conduct the relevant assessments. This amends the period of effect of a Child Assessment Order from 24 to 48 hours (in relation to when that period begins) and its maximum duration (from 3 to 5 days).

Suspend 2nd day hearing in child protection order proceedings - limited adverse impact on children's rights – independent oversight of execution of Child Protection Orders preserved, but will be discharged in 8 working days rather than 2 working days. Intervening right of recall of a CPO is preserved.

The provisions in relation to CPOs are contained in Part 5 of the Children's Hearings (Scotland) Act 2011. Sections 45 and 46 provide that where a CPO has been granted by the Sheriff, a children's hearing (referred to as a "2nd working day hearing") must be held on the second working day after the day on which the child is taken to the place of safety or the second working day after the day on which the CPO is made, as the case may be. There is a concern that the CPO will fall if the second working day hearing is not held. This could place a child at immediate risk. In any event, due to shortages of SCRA staff, social workers and children's panel members, it is likely to be logistically very difficult to arrange 2nd working day

hearings, and the requirement to do so will, at best, strain an already stretched children's hearings system.

Dispense with the need for personal appearance at children's hearings; - Impact on children and families to be monitored, Electronically-enabled rights to participation and to give views preserved both before, and at, children's hearings

There are various provisions of the 2011 Act which require the personal attendance of persons at a children's hearing or pre-hearing panel with limited scope to be excused. This affects vulnerable children and families most acutely. A strict insistence on personal attendance may not be practical and, indeed, may give rise to adverse health risks both for families and children's hearings personnel as well as those who would otherwise be required to attend.

Although statute already recognises a risk to the child's welfare, in the current situation there are obviously wider risks to all personnel involved in the children's hearing. More generally, a whole range of persons have attendance rights, with scope for the hearing to grant permission for the attendance of others.

We need to enable agencies to consider any potential health risks arising from the outbreak or even the practicalities of personal attendance (e.g. if a person may be self-isolating) for all attendees including children and young people.

Prevent 2011 Act Orders from lapsing; positive impact on children's wellbeing – orders designed to protect their best interests will not fall due to calendar or capacity concerns. Rights to call for review of orders preserved.

A compulsory supervision order made under s. 83 of the 2011 Act by a children's hearing in relation to a child lasts for a maximum period of 1 year unless it is reviewed within that period and continued for a further period of up to 1 year. In the year to 31 March 2019, over 9,000 children were the subject of a compulsory supervision order.

If during the current Covid-19 pandemic an order has not been reviewed before the expiry period due to expected staff shortages or illness, the order will lapse. The child will no longer be subject to the order, and any measures which applied (such as residence with foster care) will cease to apply or be enforceable, leaving the child legally unprotected.

This Bill ensure that, if an order has not been reviewed and continued by its end date, the order will not lapse. We wish to extend the period by which the order can still be legally valid, by up to 3 months if it has not been possible to review the order on time.

Extend maximum periods of interim orders in respect of children – balanced impact on children - while orders made because of urgent necessity will keep children safe pending a substantive hearing. Some potential for children's rights to be interfered with for a longer period prior to substantive hearings.

Children may require to be subject to a 22 day interim order specifying measures for their protection pending either a children's referral proof hearing , or as a result of an urgent change to their circumstances which requires further assessment.

In the exceptional circumstances of Covid-19 the existing time limits for relevant interim orders may limit the ability of those affected to contribute to decisions about their welfare, or for suitable assessments to be made for supporting the child and flexibility is therefore required to ensure that there are not unnecessary hearings due to the restriction of these time limits.

The court in determining a proof application may also be impacted by Covid-19 and be unable to deal with cases expeditiously due to lack of court capacity. This may increase the need for short term orders which would not necessarily be in the interest of a child every 22 days.

Remove maximum limit on foster placements - positive impact on children – maximising likelihood that siblings stay together wherever possible.

There is a maximum limit on the number of children who may be placed with a foster carer under Regulation 27A of the Looked After Children (Scotland) Regulations 2009 (2009 Regulations).

Due to the Covid-19 emergency, there is likely be pressure on foster placements should fosters need to self- isolate or seek medical intervention. There is currently insufficient flexibility in the care system to allow other foster carers to care for additional children if required.

The result of this will mean children and young people who need foster placement will not be inhibited by a maximum number cap placed on available foster carers.

Relax timescales for kinship placement assessments – limited negative impact on children – independent assessment of their circumstances in kinship care may be delayed. However, authorities will take a needs-and risk-led to prioritising these assessments

Where a local authority has placed the child in the care of a kinship carer, there are a number of statutory requirements to review that placement, with various compulsory time scales attached.

Due to the COVID-19 outbreak, social workers and local authorities will be under increasing pressure and may need to prioritise their resources to help the most vulnerable children in Scotland. This means that there will be an increased risk that they will not be able to comply with these time limits.

In terms of these provisions the direct impact on children and young people and their families mean they are not being mandated to physically attend a children's hearing. This means their health in the current climate is not at risk and they are able to comply with social distancing or self-isolation guidelines without fear that they are having an adverse impact on their children's hearing. The provisions made to allow extensions for reviews of timescales for CSOs will benefit the child

and young person as they will not run out of compulsory measures due to an inability to review them. They will remain safe and cared for. The provisions which are being made in order to amend the composition of a panel, allowing electronic signatures on documents and the changes for the National Convenor and the Principal Reporter will all benefit children and young people in allowing the children's hearings to take place albeit in a modified fashion. The direct impact on children and young people and their families is they continue to be supported by all the organisations involved in the Children's Hearings System.

Extending the 6 month moratorium on debt relief

The costs of problem debt are felt strongly by families. StepChange, a debt advice agency, suggest that 90% of parents in problem debt cut back on essential items for their children to help them keep up with their debts. They suggest that families in problem debt are twice as likely to argue about money than families in general, contributing to relationship strain and family breakdown. These problems are not limited to parents. Amongst children from families in problem debt, StepChange found that 60% often worried about their families' finances. There are concerns that due to the circumstances surrounding the Covid-19 outbreak, there may be a number of additional families who might enter problem debt. This Bill will therefore extend the six month moratorium on debt relief to alleviate these additional pressures.

Social Security

There are no negative impacts on children as a result of these measures as the eligibility for assistances are not being changed. Instead the measures introduce flexibility around age limits for Best Start Grant and Young Carer Grant allowing late applications where entitlements may have been lost as a direct result of coronavirus. Impact Assessments for each form of assistance were carried out at the time the regulations for each were introduced.

Justice

The age of criminal responsibility in Scotland is 8 years old. This means a child aged 8 or older can be arrested or charged with a crime. The age of criminal prosecution is 12 years old. This means if a child aged between 8 and 11 breaks the law, their case can't be heard in a criminal court. Instead their behaviour can be addressed by a Children's Hearing. Children aged 12 to 16 can be taken to court but only for serious crimes. Most offences committed by children of this age will be dealt with by early intervention (like a warning or help from a support organisation) or the children's hearings system. Individuals ages from 16 to 18 who commit a criminal offence may be dealt with by the courts.

Children and young people are also victims of crime and may be required to give evidence in criminal proceedings. Increasingly, there is a move for this to be done via pre-recording evidence; through Evidence by Commissioner, Joint Investigative Interviews and other methods which avoid a child or young person having to attend court.

Enable solemn trials to proceed in front of a sheriff or judge without the need for a jury

Serious criminal cases are dealt with under solemn procedure in Scotland. The Crown will generally prosecute under solemn procedure where the sentence on conviction is expected to exceed twelve months' imprisonment or detention. All such cases are heard in the High Court or the Sheriff Court by a judge sitting with a jury of 15 people. No one under the age of 18 can serve on a jury. Individuals ages from 16 to 18 who commit a criminal offence may be dealt with by the courts, potentially in this way.

The emergency measure proposed is not anticipated to have a negative impact on children or young people; whether they appear as the accused in solemn trials; are victims of crime; or are required to appear as witnesses, as compared to the current system.

Other Justice measures to respect the need for social distancing

These measures enable social distancing and are required as justice institutions will face acute staffing pressures throughout the course of the pandemic. These provisions are designed to ensure the need for physical attendance at court is removed wherever possible; and electronic means are deployed. Greater flexibility is also built in for applicable time limits; and for the hearing of custody cases.

Insofar as these provisions underpin the continued operation of the justice system, they assist in upholding the rights of children and young people who have been victims of crime. Measures relating to electronic means of attendance are in line with recent moves to ensure that child witnesses do not have to appear in court

Establishing a new power for emergency release for prisoners, modelled on current UK Government powers under section 32 of the Criminal Justice Act 1982

In order to ensure our preparedness, we need to respond to the potential circumstances where a relatively high proportion of prison officers and other staff are unable to attend work due to illness, being in isolation and other coronavirus-related issues. In such circumstances, even with all mitigating actions being taken and a slowing down of cases from the courts, there is risk that our prisons could not continue to operate safely with current population levels. In such emergency circumstances, there is a need to have effective statutory options to respond, including the potential to release prisoners early from custody.

The Bill would enable the Scottish Ministers to specify a class of prisoner who would be released subject to a power for the Governor to veto release in certain cases – including, for example, if information was held which indicated that releasing a prisoner would result in an immediate risk of harm to a child or young person. It should be noted that there are particular challenges in relation to the release of young people who are in custody. Specifically, pre-release planning has particular importance for this group of individuals and there is a need to ensure that the appropriate support is available in the period preceding, and then following, release. This is covered in more detail the Whole System Approach (WSA) to young people who offend which has been rolled out across Scotland since 2011. Governors have a duty of care for those in custody so will be able to

consider the circumstance of any proposed release and can compare that to the conditions in custody with a view to mitigating identified vulnerabilities, and anticipating new ones that may emerge on release. Younger people may be less vulnerable to Covid-19 and that may be one factor in considering the overall mix of those held in custody. This is to say that if the aforementioned provisions were utilised to release young people who are currently imprisoned, there would have to be a careful consideration of the need to prepare and provide appropriate support following release from custody against the need to ensure their continued safety if they were to remain in custody until their expected release date.

Extending the time limits for the completion of unpaid work as part of community payback orders; enabling the postponement of certain community sentences for a specified period of time; and enabling the requirements of community sentences to be altered should that be necessary in due course to ensure the continued effective operation of the justice system.

As a result of coronavirus, local authority justice social work services are experiencing significant difficulties in continuing to implement community orders (which contain requirements such as unpaid work and supervision). This is due to a combination of sickness, self-isolation, and compliance with guidance on social distancing, all of which are affecting both staff and individuals on orders. It is not anticipated that this will have a negative impact on any person within the protected characteristics. The policy could directly impact on individuals age 16-18 who are subject to a community order. We expect that overall the impact will be a positive one, whereby individuals have security that non-compliance due to Covid-19 will not result in breach during the specified period; and by avoiding the social contact necessary to undertake unpaid work, they are not placing themselves at unnecessary risk of contracting the virus. Additionally, the specific risks and needs of people aged 16-18 subject to CPOs will be taken into account by Justice Social Work ("JSW") and youth justice services should these provisions impact them.

JSW will continue to prioritise cases where any risk to children is present, and will work in close collaboration with child and adult protection and domestic abuse services to ensure the safety and wellbeing of children. Additionally, the Chief Social Work Advisor for the Scottish Government has written to all local authority areas to remind them to ensure records of children residing in clients' households are kept updated and that communication/joint working with child protection services is robustly maintained.

A reduction in the number of oral parole hearings carried out face-to-face, and ensuring the functions of the Chair can be delegated to others

There is currently no scheme of delegation expressly allowed for in legislation to enable the Parole Board for Scotland Chairperson to delegate their functions to another member of the Board. Should the Chair become incapacitated by the virus or is required to self-isolate, there would be no one able to carry out their functions. It is not anticipated that this will have a negative impact on any person within the protected characteristics. It is not anticipated that this will have a negative impact on children or young people.

Legal Aid - Increasing the availability of interim payments to solicitors and advocates

Solicitors and advocates who deliver legal aid services may suffer financial detriment as a result of Covid-19. Some of the concerns are speculative at this time, but a reduction in criminal trials, criminal activity and civil demands could have an impact on future income. Many in the legal profession work within very tight profit margins and therefore a slowdown in income could have a significant negative impact on their ability to continue. The risk is that once the justice system returns to whatever a new normal is, we have insufficient capacity in the legal profession to deliver legal aid services. This will directly impact on the criminal justice system with implications on an accused' right to a fair trial and legal counsel. In civil law a reduction in legal aid practitioners will impact on a person's ability to protect and defend their rights including areas of discrimination, housing and employment. It is expected once the emergency period has ended there may be an increase in those seeking advice in these areas. Due to the emergency nature of this legislation no scoping or stakeholder evidence gathering has taken place. It is expected that the legal profession will be supportive of these measures. It is not anticipated that this will have a negative impact on any person within the protected characteristics. It is not anticipated that this will have a negative impact on children or young people.

Rented Sector Evictions

More tenants in both the private and social rented sectors are finding themselves in financial difficulty due to the current outbreak and finding themselves unable to meet their obligations under their tenancy agreement. Under current housing legislation, this places them at risk of having their home repossessed by their landlord at a time when housing, health and other public services are under acute and ongoing pressure. More broadly, there is also a need to prevent the unnecessary movement of tenants during this unprecedented situation to support measures to inhibit the progress of the virus.

To protect tenants from being evicted from their homes during the current outbreak, we are taking forward provisions within the Coronavirus (Scotland) Bill to:

- extend the notice to leave period for private rented sector landlords and the notice for recovery of possession for social landlords. The extended notice periods are either for 6 months (in most cases) or 3 months for certain tenant conduct grounds relating to antisocial or criminal behaviour and where a landlord or their family member need to move into the property. No change will be made in relation to where eviction is sought on the ground that a property is vacant as it will have no impact on dealing with the current crisis. No change is also made in relation to the alternative accommodation ground which applies to assured tenancies, nor in relation to short secure tenancies at the end of their term involving anti-social behaviour;
- make all grounds for repossession discretionary so that the Tribunal, once operational again, can consider the full facts of the case when deciding whether to grant an eviction.

Over recent years the private rented sector has seen an increasing number of families calling it home. Based on the latest published Scottish Household Survey (SHS) data, there are an estimated 70,000 family households out of 340,000 in the private rented sector in Scotland. In the social rented sector there are 150,000 family households out of 580,000. 'Families' are assumed to include large family, small family and single parent household categories of the SHS.

SHS data also highlights that, 11% of social rented households were single parent families, 9% were small families and 5% were large families. These are broadly similar to that of the private rented sector. Many of these family households will be significantly impacted by the current Covid-19 crisis, therefore the provisions being taken forward to protect renters from eviction during this time are highly likely to have a positive impact on both children and young people residing within these rented family homes.

Should these legislative measures not be taken forward, many families with children may face being evicted from their rented properties during the current health crisis and therefore significantly increase the chances of households becoming homeless. Therefore not taking forward this temporary legislative action is likely to have a detrimental impact on the children's and young people's rights.

Adults with Incapacity

This legislation classifies an adult as being a person who has attained the age of 16. Young people aged 16-18 are unlikely to be affected by expiry of guardianships as these are usually granted for 3 years or more, but it is possible. S.47 medical certificates are ordinarily granted for a year, so it is more likely that 16-18 year olds will be affected. Again 16-18 year olds lacking capacity could be affected by amendments to s.13za allowing speedy transfer of adults from acute hospital wards to more appropriate accommodation, as well as other services. However the number is likely to be low and the largest proportion affected by these three provisions will be elderly people with a form of dementia.

Extension of the maximum time period for responding to FOI requests

We consider that there is likely to be a minimal adverse impact on children and young people as a result of these provisions. While it may take longer to receive information that has been requested in some cases, authorities remain under a duty to respond promptly – and the right to request information remains unaffected.

We consider the impacts are justified and a proportionate means of achieving the legitimate aim of protecting the general public from a Coronavirus pandemic by increasing the capacity of public service systems and mitigating the spread of infection.

However, is the Scottish Government's view that while these measures are essential in light of the Coronavirus outbreak, they are only required to respond to the current set of specific circumstances and therefore the powers under the Bill will expire six months after the Bill receives Royal Assent, except where explicit provision is made in the Bill. It will be possible for the Parliament to choose to extend the availability of these powers if the circumstances at the end of six months require it.

3. Are there particular groups of children and young people who are more likely to be affected than others?

Children's hearing and related systems

All children who are participating in a children's hearing or pre-hearing panel will be affected by these changes, including those from secure or residential care, in foster or kinship care and child protection matters. These children and young people are the most vulnerable in Scotland and it is important the supports around them are able to deliver what is in the best interest of the child in these unprecedented times and ensure their legal orders remain in place.

While younger people might be less likely to become severely ill through Covid-19, they can just as easily spread the virus to others. They may have no, or very mild, symptoms and not realise they are infectious. In addition, disadvantaged children and families are over-represented in formal care and justice systems. The physical size and quality of their homes may make it more difficult for family members to self-isolate if they fall ill. Low-income jobs more often can't be done remotely, and maintaining food and other essentials could be a major financial hurdle, leading to multiplied risk to young people's health and wellbeing. Lacking resources to prepare and protect against the Covid-19, poorer families face a higher risk of contracting—and subsequently spreading—the virus.

Rented Sector Evictions

Those children and young people who reside in a family home that is in receipt of benefits may be more positively impacted by the changes being made. Such family homes could have been seen to be more at risk of falling into rent arrears and therefore eviction proceedings. The temporary changes proposed in the Bill, along with increased financial support on offer during the pandemic, are likely to positively impact on this particular group of children and young people.

Debt relief

Children in impoverished households with debt are five times more likely to have low well-being than those in households without debt problems, according to a 2016 report by The Children's Society. In 2014, StepChange estimated 1.4m UK families, with 2.4m dependent children, were living in problem debt. Having a number of different creditors was found to significantly increase stress in impoverished households, as different creditors may have different demands and may all call for repayment at the same time. Distressing experiences, such as visits from bailiffs, fear of eviction and stress caused by arguing parents trying to make ends meet, were found to have a direct impact on children's mental well-being.

Adults with Incapacity

By the nature of the legislation the particular group of young people affected will be those with learning disabilities, although it is not expected that even in this case there will be many – most of those affected will be elderly patients with dementia.

4. Who else have you involved in your deliberations?

Given how urgently the measures in this Bill are required as a result of the unprecedented challenges we currently face, no formal public consultation has

taken place. However, Scottish Government consulted with Scottish Children’s Reporter Administration (SCRA), Children’s Hearings Scotland (CHS), Children 1st, Clan Child law, Children and Young People’s Commissioner for Scotland, COSLA, Social Work Scotland, Police (Scotland) and SOLAR, and the Independent Care Review . They all contributed to proposed provisions designed to allow essential flexibility in relation to the continuing operation of the children’s hearing and related systems to ease the extra pressures of Covid-19 and to continue to ensure the protection of care of vulnerable children whilst recognising that there was a need to ensure that children’s rights to request reviews remains accessible.

When considering relevant Justice provisions, the Scottish Government with a range of stakeholders including Scottish Children’s Reporter Administration, Social Work Scotland, Children’s Hearings Scotland, Police Scotland, Children 1st, Clan Child law, Children and Young People’s Commissioner for Scotland, COSLA, The Justice Social Network, Independent Care Review and Society of Local Authority Reporters and Solicitors (SOLAR), the Law Society, Scottish Courts and Tribunals Service, and Community Justice Scotland.

When considering Freedom of Information, there was no consultation with the specific interests of children and young people in mind as the Act applies to everyone equally. However, the Scottish Government did consult with the Scottish Information Commissioner, who does take an interest in children and young people exercising information rights. No children and young-people related concerns were raised.

The Scottish Government also consulted with the Office of the Public Guardian.

5. Will this require a CRWIA?

For the reasons outlined above, we consider that a CRWIA is required.

CRWIA Declaration

Tick relevant section, and complete the form.

CRWIA required

CRWIA not required

X Please continue to Stage 2 on the next page

Authorisation

Policy lead
Emma Lopinska

Date
30 March 2020

Deputy Director
James Hynd

Date
30 March 2020

CRWIA Stage 2

The CRWIA – key questions

(Hyperlinks will only work within SG)

1. Which UNCRC Articles are relevant to the policy/measure?

List all relevant Articles of the UNCRC and Optional Protocols. All UNCRC rights are underpinned by the four general principles: non-discrimination; the best interests of the child; the right to life, survival and development; and the child's right to have their views given due weight.

Article 1 of the UNCRC defines a child as every human being below the age of 18.

Article 2 (Non-discrimination) - Children should not be discriminated against in the enjoyment of their rights. No child should be discriminated against because of the situation or status of their parent/carer(s).

Article 3 - Best interests of the child - Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Article 4 - Protection of rights - Governments should undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the UNCRC. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of the available resources.

Article 5 - Parental guidance and a child's evolving capacities - Governments must respect the rights, responsibilities and duties of parents and carers, as well as members of the extended family, to direct and guide the child in the exercise of their rights.

Article 6 - Life, survival and development - Every child has a right to life and to develop to their full potential.

Article 7 - Birth registration, name, nationality, care - Every child has the right to have their birth registered, and to a legal name and nationality, and as far as possible, the right to know and to be cared for by their parents.

Article 8 - Protection and preservation of identity - Governments must respect and protect every child's right to an identity.

Article 9 - Separation from parents - A child should not be separated from his or her parents against their will, unless such a separation is in their best interests. In any related proceedings, all interested parties shall be given an opportunity to participate and make their views known.

A child who is separated from one or both parents has the right to maintain direct and regular contact with both parents, unless this is contrary to the child's best interests.

Article 10 - Family reunification - Governments must respond quickly and sympathetically if a child or a child's parents apply to live together in the same country. Children whose parents live in different countries have the right to maintain contact with both.

Article 11 - Abduction and non-return of children - Governments must do everything they can to stop children being removed from their own country illegally or being prevented from returning.

Article 12 - Respect for the views of the child - Every child has a right to express their views and have them given due weight in accordance with their age and maturity. Children should be provided with the opportunity to be heard, either directly or through a representative or appropriate body.

Article 13 - Freedom of expression - Every child must be free to say what they think and to seek, receive and share information, as long as the information is not damaging to themselves or others.

Article 14 - Freedom of thought, conscience and religion - Every child has the right to think and believe what they like, and to practise their religion or beliefs publically, as long as they do not harm others in doing so. Governments must respect the right of parents to offer guidance to children where they are deciding what to think and believe.

Article 15 - Freedom of association - Every child has the right to freedom of assembly: to meet with other children, and to join groups and organisations, as long as it does not stop others from enjoying their rights.

Article 16 - Right to privacy - Every child has a right to privacy. The law should protect the child's private, home and family life, and correspondence.

Article 17 - Access to information; mass media - Every child has the right to reliable information from the media as well as informative and educational materials from a variety of sources. Governments must protect children from materials that could harm them.

Article 18 - Parental responsibilities and state assistance - Parents, or legal guardians, have the primary responsibility for the upbringing and development of the child, and should always consider what is best for the child. Governments must provide appropriate assistance to parents and carers to help them.

Governments must take all appropriate measures to ensure the children of working parents have the right to benefit from childcare services and facilities.

Article 19 - Protection from all forms of violence - Children have a right to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation. Governments must do all that they can to ensure this

Article 20 - Children deprived of a family - A child temporarily or permanently deprived of his or her family environment is entitled to special protection and assistance provided by the State.

Article 21 - Adoption - States Parties shall ensure that the best interests of the child shall be the paramount consideration in adoptions.

Article 22 - Refugee children - Asylum-seeking and refugee children are entitled to all rights set out in the UNCRC. Governments must help in trying to reunite asylum-seeking or refugee children to reunite with their parents. Where this is not possible, the child must be given special protection.

Article 23 - Children with disabilities - A disabled child has the right to enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. Governments must recognise the right of the disabled child to special care, and ensure the disabled child has effective access to education, training, health care, rehabilitation, preparation for employment, and recreational opportunities.

Article 24 - Health and health services - All children have a right to the highest attainable standard of health, and to health care services that help them to attain this. Governments must provide good quality health care, clean water, nutritious food and a clean environment so that children can stay healthy.

Article 25 - Review of treatment in care - Every child placed away from home (for example, in care, hospital or prison) has the right to a periodic review of their treatment and all circumstances of their placement.

Article 26 - Social security - Every child has a right to benefit from social security, taking into account the resources and circumstances of those who have responsibility for the child.

Article 27 - Adequate standard of living - Every child has a right to a standard of living adequate to their physical, mental and social development. Governments should take measures to assist parents and carers who cannot afford to provide this, and in particular to provide assistance and support with food, clothing and housing. Governments should take all appropriate measures to recover child maintenance from parents or others who have financial responsibility for the child.

Article 28 - Right to education - Every child has a right to education on the basis of equal opportunity. Primary education must be free. Secondary education must be available to every child, with financial assistance available in case of need. Information and guidance on education should be available to all. Governments should take measures to encourage regular attendance and reduce drop-out rates. School discipline should be administered in a manner consistent with the child's human dignity. Every child has the right to an education. Discipline in schools must respect children's dignity.

Article 29 - Goals of education - Education must aim to develop every child's personality, talents and abilities to their fullest potential. It must encourage the child's respect for human rights, their origins and identity, for other cultures around the world, and for the natural environment.

Article 30 - Children of minorities/indigenous groups - Every child has the right to learn and use the language, customs and religion of their family, whether or not these are shared by the majority of people in the country where they live.

Article 31 - Leisure, play and culture - Every child has a right to rest and leisure, to engage in play and recreational activities, and to take part in a range of cultural and artistic activities.

Article 32 - Child labour - Governments must protect children from economic exploitation, and any work that is likely to be harmful to their health or interfere with their education.

Article 33 - Drug abuse - Governments must protect children from the use of drugs, and from involvement in the illicit production and trafficking of drugs.

Article 34 - Sexual exploitation - Governments must protect children from all forms of sexual exploitation and abuse.

Article 35 - Abduction, sale and trafficking - Governments must take all possible measures to make sure children are not abducted, sold or trafficked.

Article 36 - Other forms of exploitation - Governments must protect children from all forms of exploitation or maltreatment.

Article 37 - Inhumane treatment and detention - No child should be subjected to cruel, inhuman or degrading treatment or punishment.

No child should be deprived of their liberty unlawfully or arbitrarily. Any arrest, detention or imprisonment of a child should be a measure of last resort and for the shortest possible time. Every child deprived of their liberty must be treated with

humanity, and in a manner which takes into account their needs. Children should be kept separate from adult prisoners, and have the right to maintain contact with their family. Every child deprived of their liberty has a right to prompt legal and other appropriate assistance and to challenge the legality of his or her detention.

Article 39 - Recovery and rehabilitation of child victims - Children who have been the victim of any form of exploitation should receive the help they need to recover their health, dignity and self-respect, and reintegrate into society.

Article 40 - Juvenile justice - Governments must establish a minimum age of criminal responsibility. Wherever appropriate and desirable, measures for dealing with children without resorting to judicial proceedings should be used (providing that human rights are fully respected). A child accused or convicted of breaking the law must be treated with dignity and respect, in a manner which takes into account the aim of promoting the child's reintegration into society. They have the right to legal assistance and a fair trial that takes account of their age or situation.

Governments must ensure that the child's privacy is fully respected at all times.

Article 42 - Knowledge of rights - Governments undertake to make the principles and provisions of the UNCRC widely known, by appropriate and active means, to adults and children alike.

2. What impact will the policy/measure will have on children's rights?

Reformed Regulation-making power to Amend functions of National Convener (CHS) and Principal Reporter (SCRA): no direct likely impact on children

Under the Children's Hearings (Scotland) Act 2011 ('the 2011 Act'), various functions are conferred on the National Convener or the Principal Reporter in relation to, for example, the convening of children's hearings, procedure in relation to hearings, notifications of hearings and outcomes and the composition of children's panels.

Sections 10 and 18 of the 2011 Act confer regulation-making powers on the Scottish Ministers to adjust – be that limiting, extending or varying - the functions of the National Convener and Principal Reporter. The exercise of these powers would usually be subject to super-affirmative procedure (as set out in section 198 of the 2011).

There may be circumstances where it becomes necessary in light of the coronavirus outbreak period to quickly adjust the functions of either office-holder e.g. to deal with any incapacity in relation to either office holder or deputies, or both, and the need to transfer or delegate the exercise of functions to another person. In those circumstances, Ministers wish to exercise those powers swiftly rather than requiring prior approval by Parliament under a lengthy and onerous super-affirmative procedure that could take a number of months.

This provision complies with **Article 3 - Best interests of the child** - Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing -

and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Permit electronic authentication of children's hearing decisions: limited positive impact on children – swifter notification of hearing outcomes

The decision and reasons of the hearing, as well as other reports, orders or warrants which the hearing issues must be signed by the chairing member of the hearing. The children's reporter must send notification of the decision and reasons, copies of orders issued etc. to the affected child and their relevant persons.

The chair of a hearing must currently add a wet signature to any decision made or order issued. This is because a number of Rules in the Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 ("the 2013 Rules") refer to the duty on the chairing member to "sign" the record, and there is no provision which allows this to be done electronically.

Covid-19 means that it will not be possible for children's hearings to be carried out in the usual format. The decisions will be made remotely with the panel member in a different place from the children's reporter and the paperwork will not be able to be signed by hand.

Provisions are required which allow decisions or orders to be authenticated electronically. Also, the Bill enables the chairing member of a children's hearing or the children's reporter to be able to do so. The chairing member may not have the technological capacity to remotely record and authenticate documents. Therefore, we require the children's reporter to be able to do that. This will ensure maximum flexibility so that the reporter can still notify decisions, reasons and orders as promptly as possible to those who are affected.

This provision complies with **Article 3 - Best interests of the child** - Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Relax timescales for post-emergency transfer children's hearings – limited adverse impact on children – independent legal decisions will take place - but in a maximum of 7 days rather than 3 days

When a child is required to stay in a specified place as a condition of their compulsory supervision order or interim compulsory supervision order, section 143 of the 2011 Act provides the chief social work officer with the power to transfer the child from that accommodation where such a transfer is required in the interests of the child or another child in that accommodation as a matter of urgent necessity. This would apply where there is an immediate necessity that cannot wait until a

children's hearing has been arranged. Section 137(3) of the 2011 Act requires that a hearing to review the compulsory supervision order must be held within 3 days.

There are concerns that due to the Covid-19 outbreak, there may be a high proportion children subject such orders who have to urgently be moved out of the place they are residing - in an unplanned way. The Bill therefore makes provision for a review to take place within 7 days beginning with the day on which the child is transferred. This would provide appropriate flexibility for local authorities to manage resources during this critical time, whilst still providing the certainty of independent oversight within a short time.

This provision complies with **Article 3 - Best interests of the child** - Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Extend timescales for review of emergency secure placement – limited adverse impact on children – independent oversight and legal authority will take place within an aggregate maximum of 96 hours rather than 72 hours.

Due to Covid-19 there may be many good reasons why there cannot be a review hearing lawfully constituted within 72 hours, even remotely. The secure accommodation may become affected by the virus in that period, preventing the child being able to be involved in a hearing even remotely in an emergency. There will also be significant challenges with convening a lawful children's hearing – with the participation of children, families, multiple professionals and legal representatives, within existing timescales in the peak Covid-19 period.

This Bill allows the 72 hour period to be extended by up to 24 hours if the children's reporter considers it is not practicable to arrange a hearing within 72 hours.

To also extend the maximum period during which a child may be kept in secure accommodation without the authority of the children's hearing or the sheriff is an aggregate of 72 hours (whether or not consecutive) in any period of 28 consecutive days to 96 hours.

This provision complies with **Article 3 - Best interests of the child** – Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Extend timescales for appeals and court applications – positive impact on children's rights – relaxed timescales to lodge and consider appeals will maximise children's access to justice in the context of constrained court capacity during the period covered by the Bill

There is risk of reduced accessibility to courts due to illness or self-isolation and also of social distancing for children, relevant persons, or legal representatives. These factors will impact on their ability to meet existing appeal timescales or to challenge decisions effectively.

In addition, the capacity of SCRA to meet a 7 day deadline to lodge an application for proof could be impossible. If the application is not lodged timeously it will become incompetent and the child will not be protected.

Courts may also not be able to arrange an application or dispose of an appeal in short timescales, due to the lack of available judiciary or court staff. This could mean that an authorisation or order will expire and place a child at risk.

We are extending the time limits for the making of appeals, for the making of court applications and the disposal of appeals.

This provision complies with **Article 3 - Best interests of the child** - Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Allow more flexibility for children's panel composition – no direct impact on children – decision-makers still independent and children's appeal and review rights remain in place

We require amendment of section 5 of the 2011 Act to enable a children's hearing to consist of less than three members of the Children's Panel where it would not be practical to comply with that provision because of the coronavirus outbreak. In certain circumstances, this could even enable consideration of matters by a panel of one member.

We require amendment to section 6, to disapply the requirement for male and female panel members where it would not be practical to comply with it.

In consequence, this will also require similar amendment of provisions in the Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 ("the 2013 Rules")² which contain references to 3 panel members or to requirements for male and female members

This will result in children's hearings being able to continue and decisions to be made for our most vulnerable children and young people.

This provision complies with **Article 3 - Best interests of the child** - Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to

ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Prevent 2011 Act Orders from lapsing;- positive impact on children's wellbeing – orders designed to protect their best interests will not fall due to calendar or capacity concerns. Rights to call for review of orders preserved.

A compulsory supervision order made under s. 83 of the 2011 Act by a children's hearing in relation to a child lasts for a maximum period of 1 year unless it is reviewed within that period and continued for a further period of up to 1 year. In the year to 31 March 2019, over 9,000 children were the subject of a compulsory supervision order.

If during the current Covid-19 pandemic an order has not been reviewed before the expiry period due to expected staff shortages or illness, the order will lapse. The child will no longer be subject to the order, and any measures which applied (such as residence with foster care) will cease to apply or be enforceable, leaving the child legally unprotected.

This Bill ensure that, if an order has not been reviewed and continued by its end date, the order will not lapse. We wish to extend the period by which the order can still be legally valid, by up to 3 months if it has not been possible to review the order on time.

This provision complies with **Article 3 - Best interests of the child** - Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Suspend 2nd day hearing in child protection order proceedings - limited adverse impact on children's rights – independent oversight of execution of Child Protection Orders preserved, but will be discharged in 8 working days rather than 2 working days. Intervening right of recall of a CPO is preserved.

The provisions in relation to CPOs are contained in Part 5 of the Children's Hearings (Scotland) Act 2011. Sections 45 and 46 provide that where a CPO has been granted by the Sheriff, a children's hearing (referred to as a "2nd working day hearing") must be held on the second working day after the day on which the child is taken to the place of safety or the second working day after the day on which the CPO is made, as the case may be. There is a concern that the CPO will fall if the second working day hearing is not held. This could place a child at immediate risk. In any event, due to shortages of SCRA staff, social workers and children's panel members, it is likely to be logistically very difficult to arrange 2nd working day hearings, and the requirement to do so will, at best, strain an already stretched children's hearings system.

This provision complies with **Article 3 - Best interests of the child** - Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Dispense with the need for personal appearance at children's hearings; - Impact on children and families to be monitored, Electronically-enabled rights to participation and to give views preserved both before, and at, children's hearings

There are various provisions of the 2011 Act which require the personal attendance of persons at a children's hearing or pre-hearing panel with limited scope to be excused. This affects vulnerable children and families most acutely. A strict insistence on personal attendance may not be practical and, indeed, may give rise to adverse health risks both for families and children's hearings personnel as well as those who would otherwise be required to attend.

Although statute already recognises a risk to the child's welfare, in the current situation there are obviously wider risks to all personnel involved in the children's hearing. More generally, a whole range of persons have attendance rights, with scope for the hearing to grant permission for the attendance of others.

We need to enable agencies to consider any potential health risks arising from the outbreak or even the practicalities of personal attendance (e.g. if a person may be self-isolating) for all attendees including children and young people.

This provision complies with **Article 3 - Best interests of the child** - Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Prevent 2011 Act Orders from lapsing;

A compulsory supervision order made under s. 83 of the 2011 Act by a children's hearing in relation to a child lasts for a maximum period of 1 year unless it is reviewed within that period and continued for a further period of up to 1 year. In the year to 31 March 2019, over 9,000 children were the subject of a compulsory supervision order.

If during the current Covid-19 pandemic an order has not been reviewed before the expiry period due to expected staff shortages or illness, the order will lapse. The child will no longer be subject to the order, and any measures which applied (such as residence with foster care) will cease to apply or be enforceable, leaving the child legally unprotected.

This Bill ensure that, if an order has not been reviewed and continued by its end date, the order will not lapse. We wish to extend the period by which the order can

still be legally valid, by up to 3 months if it has not been possible to review the order on time.

This provision complies with **Article 3 - Best interests of the child** - Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards, and **Article 20 - Children deprived of a family** - A child temporarily or permanently deprived of his or her family environment is entitled to special protection and assistance provided by the State.

Extend maximum periods of interim orders in respect of children – balanced impact on children - while orders made because of urgent necessity will keep children safe pending a substantive hearing. Some potential for children's rights to be interfered with for a longer period prior to substantive hearings.

Children may require to be subject to a 22 day interim order specifying measures for their protection pending either a children's referral proof hearing, or as a result of an urgent change to their circumstances which requires further assessment.

In the exceptional circumstances of Covid-19 the existing time limits for relevant interim orders may limit the ability of those affected to contribute to decisions about their welfare, or for suitable assessments to be made for supporting the child and flexibility is therefore required to ensure that there are not unnecessary hearings due to the restriction of these time limits.

The court in determining a proof application may also be impacted by Covid-19 and be unable to deal with cases expeditiously due to lack of court capacity. This may increase the need for short term orders which would not necessarily be in the interest of a child every 22 days.

This provision complies with **Article 20 - Children deprived of a family** - A child temporarily or permanently deprived of his or her family environment is entitled to special protection and assistance provided by the State.

Remove maximum limit on foster placements - positive impact on children – maximising likelihood that siblings stay together wherever possible

There is a maximum limit on the number of children who may be placed with a foster carer under Regulation 27A of the Looked After Children (Scotland) Regulations 2009 (2009 Regulations)

Due to the Covid-19 emergency, there is likely be pressure on foster placements should fosters need to self- isolate or seek medical intervention. There is currently insufficient flexibility in the care system to allow other foster carers to care for additional children if required.

The result of this will mean children and young people who need foster placement will not be inhibited by a maximum number cap placed on available foster carers.

This provision complies with Article 3 - Best interests of the child - Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Relax timescales for kinship placement assessments – limited negative impact on children – independent assessment of their circumstances in kinship care may be delayed. However, authorities will take a needs-and risk-led to prioritising these assessments

Where a local authority has placed the child in the care of a kinship carer, there are a number of statutory requirements to review that placement, with various compulsory time scales attached.

Due to the Covid-19 outbreak, social workers and local authorities will be under increasing pressure and may need to prioritise their resources to help the most vulnerable children in Scotland. This means that there will be an increased risk that they will not be able to comply with these time limits.

In terms of these provisions the direct impact on children and young people and their families mean they are not being mandated to physically attend a children's hearing. This means their health in the current climate is not at risk and they are able to comply with social distancing or self-isolation guidelines without fear that they are having an adverse impact on their children's hearing. The provisions made to allow extensions for reviews of timescales for CSOs will benefit the child and young person as they will not run out of compulsory measures due to an inability to review them. They will remain safe and cared for. The provisions which are being made in order to amend the composition of a panel, allowing electronic signatures on documents and the changes for the National Convenor and the Principal Reporter will all benefit children and young people in allowing the children's hearings to take place albeit in a modified fashion. The direct impact on children and young people and their families is they continue to be supported by all the organisations involved in the Children's Hearings System.

This provision complies with **Article 3 - Best interests of the child** - Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Rented Sector Eviction – positive impact on many children and young people of families living in rented accommodation.

More tenants in both the private and social rented sectors are finding themselves in financial difficulty due to the current outbreak and finding themselves unable to

meet their obligations under their tenancy agreement. Under current housing legislation, this places them at risk of having their home repossessed by their landlord at a time when housing, health and other public services are under acute and ongoing pressure. More broadly, there is also a need to prevent the unnecessary movement of tenants during this unprecedented situation to support measures to inhibit the progress of the virus.

To protect tenants from being evicted from their homes during the current outbreak, we are taking forward provisions within the Coronavirus (Scotland) Bill to:

- extend the notice to leave period for private rented sector landlords and the notice for recovery of possession for social landlords that must apply. The extended notice periods are either for 6 months (in most cases) or 3 months for certain tenant conduct grounds relating to antisocial or criminal behaviour and where a landlord or their family member need to move into the property. No change will be made in relation to where eviction is sought on the ground that a property is vacant as it will have no impact on dealing with the current crisis. No change is also made in relation to the alternative accommodation ground which applies to assured tenancies, nor in relation to short secure tenancies at the end of their term involving anti-social behaviour;
- making all grounds for repossession discretionary so that the Tribunal, once operational again, can consider the full facts of the case when deciding whether to grant an eviction; and
- that Ministers will have a new power to enable us to extend the temporary period these changes are in place, should that be required.

Over recent years the private rented sector has seen an increasing number of families calling it home. Based on the latest published Scottish Household Survey (SHS) data, there are an estimated 70,000 family households out of 340,000 in the private rented sector in Scotland. In the social rented sector there are 150,000 family households out of 580,000. 'Families' are assumed to include large family, small family and single parent household categories of the SHS.

SHS data also highlights that, 11% of social rented households were single parent families, 9% were small families and 5% were large families. These are broadly similar to that of the private rented sector. Many of these family households will be significantly impacted by the current Covid-19 crisis, therefore the provisions being taken forward to protect renters from eviction during this time are highly likely to have a positive impact on both children and young people residing within these rented family homes.

Should these legislative measures not be taken forward, many families with children may face being evicted from their rented properties during the current health crisis and therefore significantly increase the chances of households becoming homeless. Therefore not taking forward this temporary legislative action is likely to have a detrimental impact on the children's and young people's rights.

The rented housing provisions comply with both **Article 3 'Best Interests of the Child'** and **Article 27 'Adequate Standard of Living'** by protecting children and

young people from potential displacement or homelessness during the Covid-19 pandemic.

Extend the 6 month moratorium on debt relief

The costs of problem debt are felt strongly by families. StepChange, a debt advice agency, suggest that 90% of parents in problem debt cut back on essential items for their children to help them keep up with their debts. They suggest that families in problem debt are twice as likely to argue about money than families in general, contributing to relationship strain and family breakdown. These problems are not limited to parents. Amongst children from families in problem debt, StepChange found that 60% often worried about their families' finances. There are concerns that due to the circumstances surrounding the Covid-19 outbreak, there may be a number of additional families who might enter problem debt. This Bill will therefore extend the six month moratorium on debt relief to alleviate these additional pressures.

This provision complies with Article 3 - Best interests of the child - Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Establish a new power for emergency release for prisoners, modelled on current UK Government powers under section 32 of the Criminal Justice Act 1982

In order to ensure our preparedness, we need to respond to the potential circumstances where a relatively high proportion of prison officers and other staff are unable to attend work due to illness, being in isolation and other coronavirus-related issues. In such circumstances, even with all mitigating actions being taken and a slowing down of cases from the courts, there is risk that our prisons could not continue to operate with current population levels. In such emergency circumstances, there is a need to have effective statutory options to respond, including the potential to release prisoners early from custody. This would enable the Scottish Ministers to specify a class of prisoner who would be released subject a power for the Governor to veto release in certain cases. It is not anticipated that this will have a negative impact on children or young people.

Extend the time limits for completion of unpaid work as part of community payback orders; enable the postponement of certain community sentences for a specified period of time; and enable the requirements of community sentences to be altered should that be necessary in due course to ensure the continued effective operation of the justice system

As a result of coronavirus, local authority justice social work services are experiencing significant difficulties in continuing to implement community orders (which contain requirements such as unpaid work and supervision). This is due to a combination of sickness, self-isolation, and compliance with guidance on social distancing, all of which are affecting both staff and individuals on orders. It is not anticipated that this will have a negative impact on any person within the protected characteristics. The policy could directly impact on individuals age 16-18 who are

subject to a community order. We expect that overall the impact will be a positive one, whereby individuals have security that non-compliance due to Covid-19 will not result in breach during the specified period; and by avoiding the social contact necessary to undertake unpaid work, they are not placing themselves at unnecessary risk of contracting the virus. Additionally, the specific risks and needs of people aged 16-18 subject to CPOs will be taken into account by Justice Social Work ("JSW") and youth justice services should these provisions impact them.

JSW will continue to prioritise cases where any risk to children is present, and will work in close collaboration with child and adult protection and domestic abuse services to ensure the safety and wellbeing of children. Additionally, the Chief Social Work Advisor for the Scottish Government has written to all local authority areas to remind them to ensure records of children residing in clients' households are kept updated and that communication/joint working with child protection services is robustly maintained.

Reduce the number of oral parole hearings carried out face-to-face, and ensuring the functions of the Chair can be delegated to others

There is currently no scheme of delegation expressly allowed for in legislation to enable the Parole Board for Scotland Chairperson to delegate their functions to another member of the Board. Should the Chair become incapacitated by the virus or is required to self-isolate, there would be no one able to carry out their functions. It is not anticipated that this will have a negative impact on any person within the protected characteristics. It is not anticipated that this will have a negative impact on children or young people.

Increase the availability of interim payments to solicitors and advocates in relation to legal aid

Solicitors and advocates who deliver legal aid services may suffer financial detriment as a result of Covid-19. Some of the concerns are speculative at this time, but a reduction in criminal trials, criminal activity and civil demands could have an impact on future income. Many in the legal profession work within very tight profit margins and therefore a slowdown in income could have a significant negative impact on their ability to continue. The risk is that once the justice system returns to whatever a new normal is, we have insufficient capacity in the legal profession to deliver legal aid services. This will directly impact on the criminal justice system with implications on an accused' right to a fair trial and legal counsel. In civil law a reduction in legal aid practitioners will impact on a person's ability to protect and defend their rights including areas of discrimination, housing and employment. It is expected once the emergency period has ended there may be an increase in those seeking advice in these areas. Due to the emergency nature of this legislation no scoping or stakeholder evidence gathering has taken place. It is expected that the legal profession will be supportive of these measures. It is not anticipated that this will have a negative impact on any person within the protected characteristics. It is not anticipated that this will have a negative impact on children or young people.

The Justice-related measures in the Bill comply with Articles 39 and 40. Article 39 - Recovery and rehabilitation of child victims - Children who have been the victim of any form of exploitation should receive the help they need to recover their health,

dignity and self-respect, and reintegrate into society. Article 40 - Juvenile justice - Governments must establish a minimum age of criminal responsibility. Wherever appropriate and desirable, measures for dealing with children without resorting to judicial proceedings should be used (providing that human rights are fully respected). A child accused or convicted of breaking the law must be treated with dignity and respect, in a manner which takes into account the aim of promoting the child's reintegration into society. They have the right to legal assistance and a fair trial that takes account of their age or situation. Governments must ensure that the child's privacy is fully respected at all times.

Summary

We consider the impacts of the measures within the Bill are justified and a proportionate means of achieving the legitimate aim of protecting the general public from a Coronavirus pandemic by increasing the capacity of public service systems and mitigating the spread of infection.

However, it is the Scottish Government's view that while these measures are essential in light of the Coronavirus outbreak, they are only required to respond to the current set of specific circumstances and therefore the powers under the Bill will expire six months after the Bill receives Royal Assent, except where explicit provision is made in the Bill. It will be possible for the Parliament to choose to extend the availability of these powers if the circumstances at the end of six months require it.

3. Will there be different impacts on different groups of children and young people?

All children who are participating in a children's hearing or pre-hearing panel will be affected by these changes, including those from secure or residential care, in foster or kinship care and child protection matters. These children and young people are the most vulnerable in Scotland and it is important the supports around them are able to deliver what is in the best interest of the child in these unprecedented times and also ensure their legal orders remain in place for their protection. While younger people might be less likely to become severely ill through Covid-19, they can just as easily spread the virus to others. They may have no, or very mild, symptoms and not realise they are infectious. In addition, disadvantaged children and families are over-represented in formal care and justice systems. The physical size and quality of their homes may make it more difficult for family members to self-isolate if they fall ill. Low-income jobs more often can't be done remotely, and maintaining food and other essentials could be a major financial hurdle, leading to multiplied risk to young people's health and wellbeing. Lacking resources to prepare and protect against the Covid-19, poorer families face a higher risk of contracting—and subsequently spreading—the virus.

Rented Sector Evictions- the provisions in the Bill will positively impact on all children and young people who currently live in rented housing by extending the notice periods for eviction during the current Covid-19 pandemic. However, we expect that those children and young people who reside in a family home that is in receipt of benefits may be more positively impacted by the changes being made. Such family homes could have been seen to be more at risk of falling into rent

arrears and therefore eviction proceedings. The changes proposed in the Bill, along with increased financial support on offer during the pandemic, are likely to positively impact on this particular group of children and young people.

Young people aged 16-18 subject to CPOs, and potentially the children of those serving CPOs may be affected by the policy

For debt relief, children in impoverished households with debt are five times more likely to have low well-being than those in households without debt problems, according to a 2016 report by The Children's Society. In 2014, StepChange estimated 1.4m UK families, with 2.4m dependent children, were living in problem debt. Having a number of different creditors was found to significantly increase stress in impoverished households, as different creditors may have different demands and may all call for repayment at the same time. Distressing experiences, such as visits from bailiffs, fear of eviction and stress caused by arguing parents trying to make ends meet, were found to have a direct impact on children's mental well-being.

Adults with Incapacity - By the nature of the legislation the particular group of young people affected will be those with learning disabilities, although it is not expected that even in this case there will be many – most of those affected will be elderly patients with dementia.

4. If a negative impact is assessed for any area of rights or any group of children and young people, what options have you considered to modify the proposal, or mitigate the impact?

Children's rights and wellbeing are a priority for this government. Given the unprecedented risks to children's rights to survival and health, and having consulted with stakeholders, including some from the children's rights sector, the Scottish Government believes that the proposed changes to the children's hearings and related systems and to debt relief are in the best interests of children. Any alteration to timescales for the children's hearing and related systems, such as extensions to timescales for appeals, is proportionate and considerate of both children's rights to protection of life and to access justice.

5. How will the policy/measure contribute to the wellbeing of children and young people in Scotland?

- Safe - Protected from abuse, neglect and harm by others at home, at school and in the community.

The provisions for children's hearings/panels will ensure children and young people are protected from abuse, neglect and harm by others at home, at school and in the community. Justice provisions will ensure that children and young people who are victims of crime will continue to have access to justice.

- Healthy - Having the highest attainable standards of physical and mental health, access to suitable healthcare, and support in learning to make healthy and safe choices

- Achieving - Being supported and guided in their learning and in the development of their skills, confidence and self-esteem at home, at school and in the community
- Nurtured - Having a nurturing place to live, in a family setting with additional help if needed or, where this is not possible, in a suitable care setting
The provisions for children's hearings/panels will ensure children and young people have a nurturing place to live, in a family setting with additional help if needed or, where this is not possible, in a suitable care setting
Extending the 6 month moratorium on debt relief will help families maintain a nurturing family setting for children

The provisions in relation to preventing evictions in rented housing during the Covid-19 pandemic will ensure children and young people continue to have a nurturing place to live, in a family setting and not face the uncertainty of having to move home or even homelessness.

- Active - Having opportunities to take part in activities such as play, recreation and sport which contribute to healthy growth and development, both at home and in the community
- Respected - Having the opportunity, along with carers, to be heard and involved in decisions which affect them
Dispensation with duties of physical attendance at hearings proceedings is accompanied by electronically-facilitated participation.
- Responsible - Having opportunities and encouragement to play active and responsible roles in their schools and communities and, where necessary, having appropriate guidance and supervision and being involved in decisions that affect them
- Included - Having help to overcome social, educational, physical and economic inequalities and being accepted as part of the community in which they live and learn
Extending the 6 month moratorium on debt relief will help families facing economic uncertainty for a limited time period
The provisions in relation to preventing evictions in rented housing during the Covid-19 pandemic will ensure children and young people continue to feel included and being a part of the community in which they currently live.

6. How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland?

These provision in the emergency legislation contribute to Scottish Ministers' duty to keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements under the Children and Young People (Scotland) Act 2014.

7. What evidence have you used to inform your assessment? What does it tell you?

Rented Sector Evictions

The provisions in the Bill will impact on all children and young people who currently live in rented housing by extending the notice periods for eviction during the current Covid-19 pandemic. Scottish Government statistics show that 59% (350,337) of social rented households received Housing Benefit in 2017, with a further 2% (14,560) receiving the housing element of universal credit. This compares to 21% (83,590) of private rented sector households receiving Housing Benefit, with a further 2% (6,380) receiving the housing element of universal credit.

| | | 2017 |
|----------------|---|-------------|
| Social Sector | Number of households | 593,835 |
| | Received Housing Benefit | 350,337 |
| | Received Universal credit housing element | 14,560 |
| | % receiving Housing Benefit | 59% |
| | % receiving UC Housing Element | 2% |
| Private rented | Number of households | 392,841 |
| | Received Housing Benefit | 83,590 |
| | Received Universal Credit Housing Element | 6,380 |
| | % receiving Housing Benefit | 21% |
| | % receiving UC Housing Element | 2% |

For provisions related to the children’s hearing and related systems, Scottish Government has consulted with Scottish Children’s Reporter Administration (SCRA), Children’s Hearings Scotland (CHS), Children 1st, Clan Child law, Children and Young People’s Commissioner Scotland, COSLA, Social Work Scotland, Police (Scotland) and SOLAR. They all contributed to proposed provisions designed to allow essential flexibility in relation to the continuing operation of the children’s hearing and related systems to ease the extra pressures of Covid-19 and to continue to ensure the protection of care of vulnerable children.

We have verified with the responsible bodies and officers that within their various responsibilities and current powers they have acted to minimise the number and range of emergency statutory changes. This activity has included – the active cancellation, postponement or early clearance of non-urgent business, the

application of technological and practical solutions promoting remote working and social distancing, updated practice directions and the reprioritisation of staff and other available resources. In recent weeks, officials had been considering that a much broader range of emergency reforms may be required for child care, protection and justice. Fundamental administrative, practice and behavioural changes have been fully implemented week beginning 23 March 2020 by partner agencies, so alternative approaches have been exhausted. Further action from responsible agencies is limited to some extent by the current legislative framework.

For provisions related to debt relief, the unprecedented circumstances presented by the COVID-19 pandemic and the need to react quickly to protect all in society including children and young people it has made it impossible to consult extensively with stakeholders. We have however engaged with professionals and those organisations directly affected by the legislation and will continue to do so once the legislation is in place to mitigate any unforeseen possible negative effects.

8. Have you consulted with relevant stakeholders?

This would include public or targeted consultations with children and young people, their parents/carers and the children's workforce.

Given the unprecedented circumstances presented by the COVID-19 pandemic and the need to react quickly to protect all in society including children and young people it has been impossible to consult extensively with all stakeholders.

For provisions related to the children's hearing and related systems, we have however engaged with professionals and those organisations directly affected by the legislation including Scottish Children's Reporter Administration (SCRA), Children's Hearings Scotland (CHS), Children 1st, Clan Child law, Children and Young People's Commissioner for Scotland, COSLA, Social Work Scotland, Police (Scotland) SOLAR, Care Review and SLAB.

All stakeholders contributed to proposed provisions designed to allow essential flexibility in relation to the continuing operation of the children's hearing and related systems to ease the extra pressures of Covid-19 and to continue to ensure the protection of care of vulnerable children whilst recognising that there was a need to ensure that children's rights to request reviews remains accessible

For provisions related to debt relief, the unprecedented circumstances presented by the COVID-19 pandemic and the need to react quickly to protect all in society including children and young people it has made it impossible to consult extensively with stakeholders. We have however engaged with professionals and those organisations directly affected by the legislation including debt charities, advice providers and creditor representatives. A consultation on the Bankruptcy reforms introduced in 2014 finished in February – in those different circumstances, 69% of respondents agreed that the moratorium should be extended, though the majority of those at that time felt 12 weeks would be the most appropriate length.

On Justice measures, the Scottish Government consulted with a range of stakeholders including Scottish Children's Reporter Administration, Social Work

Scotland, Children’s Hearings Scotland, Police Scotland, Children 1st, Clan Child law, Children and Young People’s Commissioner for Scotland, COSLA, The Justice Social Network, Independent Care Review and Society of Local Authority Reporters and Solicitors (SOLAR), the Law Society, Scottish Courts and Tribunals Service, and Community Justice Scotland.

Scottish Government will continue to discuss these issues with key stakeholders once the legislation is in place to mitigate any possible unforeseen negative effects.

9. Have you involved children and young people in the development of the policy/measure?

Is there enough information on the views of the children and young people who will be affected by the policy/measure that enables you to make an informed assessment of impact?

Given the unprecedented circumstances presented by the COVID-19 pandemic and the need to react quickly to protect all in society including children and young people it has been impossible to consult with children and young people on the proposed legislation. We have however engaged with those stakeholders affected directly with the legislation and will continue to work with them for the period of the pandemic including getting input from children and young people to mitigate any possible unforeseen negative effects.

Child Rights and Wellbeing Impact Assessment

Policy/measure

A general description of the policy/measure

The purpose of the Coronavirus (Scotland) Bill (“the Bill”) is to respond to the emergency situation caused by the Covid-19 pandemic. The Bill complements and supplements the Coronavirus Act 2020 (“the 2020 Act”), passed by the UK Parliament on 25 March 2020, and which the Scottish Parliament gave its consent to on 24 March 2020. The Bill will put in place necessary and urgent measures in order to address the threats posed by the coronavirus outbreak in Scotland.

The coronavirus outbreak is a severe and sustained threat to human life in Scotland. The Scottish Government is committed to taking all steps necessary to address that threat. A severe pandemic could infect a large proportion of the population, and the public health measures required to control and limit the spread of the outbreak will require a significant adjustment to the lives of those living in Scotland, to business in Scotland, and to the way public services are delivered and regulated.

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| | <p>The temporary measures included in the Bill are deemed essential to respond to this current emergency. and cover a range of measures intended to ensure that:</p> <ul style="list-style-type: none"> • renters are protected while confined to their homes; • the justice system is able to deliver essential services; • public services, business and consumers can still operate despite new restrictions. <p>The Bill contains safeguards to ensure proper oversight and accountability of the use of the powers provided within it.</p> |
| <p>Project initiation document</p> <p>Add link to the document</p> | <p>-</p> |
| <p>Initiating department</p> <p>The responsible team or division. If this is a cross-cutting policy, name the team that has overall responsibility</p> | <p>Constitution and External Affairs – Constitution and Cabinet Directorate</p> |
| <p>Policy aims</p> <p>What the policy or measure is trying to achieve; what are the expected outcomes</p> | <p>The Bill contains a wide range of policy measures to respond to the coronavirus outbreak. Specifically in relation to child rights and wellbeing the Bill will make provision to:</p> <ul style="list-style-type: none"> • allow more flexibility for children’s panel composition and procedures to alter functions of National Convenor and Principal Reporter; • permit electronic authentication of children’s hearing decisions • increase timescales for child assessment orders; • suspend the need for a 2nd day hearing in child protection orders; • dispense with the need for personal appearance at children’s hearings; • prevent certain orders under the 2011 Act from lapsing; • extend maximum periods for interim orders in respect of children; • remove the limit on the maximum number of children placed with particular foster carers; • increase timescales for kinship carer assessments • relax timescales for Scottish social security re-determination and appeal requests and relax age limits |

| | |
|--|--|
| | <p>for application for Best Start Grant and Young Carer Grant assistance</p> <ul style="list-style-type: none"> • Maintain access to, and operation of, the criminal justice system • Establishing a new power for emergency release for prisoners, modelled on current UK Government powers under section 32 of the Criminal Justice Act 1982 • Extend time limits for unpaid work as part of Community Payback Orders, enable the postponement of the carrying out of community sentences (esp. Community Payback Orders), and enable the alteration of community sentences should that be necessary in due course to ensure the continued effective operation of the justice system. Justice Social Work will continue to prioritise cases where any risk to children is present • A reduction in the number of oral parole hearings required, the carrying on of those which do take place via technology rather than being carried out face-to-face, the provisions for the functions of other Chair to be carried out by another member if he is unavailable, and the ability to ensure functions of the Chair can be delegated to others. • Legal Aid - Increasing the availability of interim payments to solicitors and advocates • Extend the maximum period within which Scottish public authorities must respond to FOI requests |
| <p>Timetable</p> <p>What is the time frame for a policy announcement/consultation/implementation</p> | <p>As this Bill is the response to the coronavirus outbreak and complements and supplements the 2020 Act, the Bill will be introduced and published on 31 March 2020. As the Bill is introducing emergency measures it will be considered by the Scottish Parliament on 1 April 2020.</p> <p>Given the unprecedented circumstances presented by the COVID-19 pandemic and the need to react quickly to protect all in society including children and young people it has been impossible to consult extensively with all stakeholders. However, stakeholder have been consulted on specific elements of the Bill.</p> <p>The Bill contains extraordinary measures required to respond to an emergency situation. The Scottish Government is satisfied that all of the measures contained in the Bill are appropriate and proportionate, but it recognises that many are far-reaching and unprecedented. The Bill therefore contains the following safeguards:</p> <ul style="list-style-type: none"> • the measures in the Bill will automatically expire six months after they come into force. The Scottish Parliament may extend these measures for two further periods of six months, giving the measures in the Bill a maximum duration of 18 months; |

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| | <ul style="list-style-type: none">• where a measure is no longer considered necessary, Scottish Ministers can bring it to an end earlier than on this six-monthly schedule;• Scottish Ministers are required by the Bill to report on the continued need for the measures, and on the use of powers in the Bill, every two months. <p>The Scottish Government is committed to keeping the provisions of this Bill under review at all times, under the scheme set out above.</p> |
| Date | 30 March 2020 |
| Signature | James Hynd |



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