



Children's Care and Justice Bill

22 June 2022

Giving all children in Scotland an equal chance to flourish is at the heart of everything we do.

By bringing together a network of people working with and for children, alongside children and young people themselves, we offer a broad, balanced and independent voice. We create solutions, provide support and develop positive change across all areas affecting children in Scotland.

We do this by listening, gathering evidence, and applying and sharing our learning, while always working to uphold children's rights. Our range of knowledge and expertise means we can provide trusted support on issues as diverse as the people we work with and the varied lives of children and families in Scotland.

Children in Scotland is pleased to be able to respond to this consultation. We want children who come into contact with care and justice services to be supported, cared for and helped to achieve positive outcomes and destinations. Over the past few years, Children in Scotland has responded to several consultations relating to youth justice, including the Age of Criminal Responsibility (Scotland) Bill and consultations relating to children and young people's experiences of court and the Children's Hearings System.

Our response to this consultation focuses on children's rights and refers to evidence and recommendations from across the sector.

Question 1: Where a person has been harmed by a child whose case is likely to proceed to the children's hearings system, should further information be made available to a person who has been harmed (and their parents if they are a child) beyond what is currently available?

Yes / No

- **If yes: what further information should be made available?**
- **If yes: are there specific circumstances when further information should be provided and what would those circumstances be?**

Please give reasons for your answer

Yes.

On this issue, we welcome the Scottish Government's reiteration of the Children and Young People's Centre for Justice's (CYCJ) call for:

*"Support, care and compassion for all those involved, in an attempt to promote healing and to address underlying issues holds out the best prospect of preventing future harm and restoring relationships wherever this is possible."*¹

This statement highlights that both children who behave in a way that harm others and those who are harmed (often other children)² should be supported and treated with compassion.

Children in Scotland recognises that the emotional impact of crime for victims can be significant. We understand the desire for there to be greater parity of information provided to those who have been harmed by an adult (and have a case going through the criminal system) and those who have been harmed by a child.

As indicated by the Council of Europe, the best interests of all children involved in the same case should be balanced and decision-makers should aim to reconcile any possible conflicting interests of the children.³ Under Article 40 of the UN Convention on the Rights of the Child (UNCRC), every child alleged as or accused of having committed an offence has the right to have 'his or her privacy fully respected at all stages of the proceedings'⁴. Due

¹ CYCJ, "Rights Respecting? Scotland's approach to children in conflict with the law", accessed on <https://www.cycj.org.uk/wp-content/uploads/2020/01/Rights-Respecting-Scotlands-approach-to-children-in-conflict-with-the-law.pdf>.

² Children's Care and Justice Bill, Consultation on Policy Proposals.

³ Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.

⁴ The United Nations Convention on the Rights of the Child.

to the importance of protecting children's privacy and ensuring they have every opportunity for rehabilitation and moving on from acts they committed in childhood, we do not support any identifying information about the child to be provided.

Those who have been harmed by children should still receive support, acknowledgement of the harm caused and assurance that attempts are being made so the harm does not occur again.⁵ We believe that the information provided to those who have been harmed must include:

- Accessible and easy to understand information about the process, whether cases are being addressed through the Children's Hearings System
- Information about their rights
- An explanation of the approach Scotland takes to children who do things that are against the law and why more detailed information about the process outcome is not provided
- What support services they can access.

We will detail how support for those who have been harmed could be augmented in our response to question 3.

Question 2: Where a person has been harmed by a child who has been referred to a children's hearing, should SCRA be empowered to share further information with a person who has been harmed (and their parents if they are a child) if the child is subject to measures that relate to that person?

Yes / No

Please give reasons for your answer

Please see our response to question 1.

Question 3: Where a person has been harmed by a child who has been referred to the Principal Reporter, should additional support be made available to the person who has been harmed?

Yes / No

- **If yes, what additional supports do you feel are necessary?**
- **If yes, should this apply to all people who have been harmed or only in certain circumstances? (Please specify)**

Yes.

⁵ <https://www.cypcs.org.uk/positions/age-of-criminal-responsibility/>.

We have previously⁶ called for the referral age to the Principal Reporter to be increased so that 16- and 17-year-olds could be referred in all cases including care, protection and offence cases. This will help to ensure that decisions are made based on the developmental stage and support needs of the individual young person, rather than simply utilising age as an arbitrary cut-off.

We appreciate that the ability to refer all 16- and 17-year-olds to the Principal Reporter would lead to an increase in the number and range of cases being dealt with by the children's hearings system, including offence cases, and, therefore, an increase in people who have been harmed and their families coming into contact with this system. This increase means that it is even more important to ensure that those who are harmed are supported.

We understand that the Scottish Children's Reporter Administration currently provides victims with:

- information about the children's hearings system
- details of the outcome of the referral
- information about how Scotland treats children who do things which are against the law
- assistance to access organisations who can provide emotional and practical support.

A few beneficial changes could include those who have been harmed receiving:

- an explanation of the approach Scotland takes in relation to children who do things that are against the law and why more detailed information about the process outcome is not provided.

As we have called for previously, we welcome the development of new victims' code or set of principles that apply to instances where children who offend and are dealt with through the children's hearings system or through Early and Effective Intervention (EEI). A new code or set of principles would support victims to have their voices heard but also help children who offend to understand the impact of their actions. Any such principles must take a child-centred approach, be fully compliant with the UNCRC and ensure that the welfare of the child is paramount, whilst recognising the confidentiality of the children's hearings system. Children in Scotland understands that this is a

https://childreninscotland.org.uk/wp-content/uploads/2020/10/Consultation_Response_Raising_the_Age_of_Referral_Web.pdf

complex area and recommends that a multi-agency working group should be established to progress this issue.⁷

Question 4: Should a single point of contact to offer such support be introduced for a person who has been harmed?

Yes / No

- **If yes, should this be available to all people who have been harmed or only in certain circumstances? (Please specify)**
- **If yes, who should be responsible for providing the single point of contact?**

Please give reasons for your answers

Yes.

We would embrace a simplified process for children and young people to access support that would involve a qualified single point of contact to offer support and co-ordinate access to other types of support required such as counselling, advocacy and legal advice. We have previously called for the Government to implement and fund the Bairns' Hoose model to help realise this.⁸ We note that this model is only in its initial stages and so we would encourage the Government to explore how support could be improved before this is fully established.

Question 5: Should existing measures available through the children's hearings system be amended or enhanced for the protection of people who have been harmed?

Yes / No

Please give reasons for your answer

- **If yes, please provide details of how they should be amended or enhanced**

No.

The Children's Hearings System is highly distinct to the criminal justice process as it focuses on the child and their welfare. We are unable to support the

⁷ https://childreninscotland.org.uk/wp-content/uploads/2020/10/Consultation_Response_Raising_the_Age_of_Referral_Web.pdf.

⁸ Children in Scotland, Manifesto for 2021-26, accessed here:

https://childreninscotland.org.uk/wp-content/uploads/2021/03/Manifesto_V2.1_March-21.pdf

enhancement of measures made available due to concerns that this legal change would diminish the separate natures of these rightly distinct systems.

The findings of the University of Edinburgh study on youth crime and justice underlined the necessity of ensuring that responses to children who come into conflict with the law are holistic, tailored to a child's development, proportionate and based on identified need. Moreover, the findings demonstrated that early adverse contact with the justice system is a factor that is likely to increase the risk of the child carrying out further offending behaviour.⁹

Whilst we do not believe it is right at this time to amend or enhance the existing measures available through the children's hearings system, we reiterate that those who have been harmed by children are still entitled to the right of remedy in some form, support of a high standard and acknowledgement that the harm they have been caused has been taken seriously. We believe that the general principles of the children's hearings system strike an appropriate balance between upholding the rights of children who become involved in the system and those who have been harmed.¹⁰

We are unable to comment specifically on the changes needed to improve support, but urge any changes made by the Government to be informed and led by children and young people who have already come into contact with these agencies and those who work directly with them.

Question 6: Should MRCs be made available to children who do not meet the current criteria for secure care?

Yes / No

Please give reasons for your answer

- **If yes, what should the new criteria for MRCs be?**

⁹https://www.pure.ed.ac.uk/ws/portalfiles/portal/8195355/Youth_crime_and_justice_Key_messages_from_the_Edinburgh_Study_of_Youth_Transitions_and_Crime_Criminology_and_Criminal_Justice.pdf.

¹⁰ Children's Hearings (Scotland) Act 2011, sections 25 - 29.

No.

We reject the suggestion of expanding the use of Movement Restriction Conditions (MRCs). At present, MRCs can only be made if:

- (a) the child has previously absconded and is likely to abscond again and, if the child were to abscond, it is likely that the child's physical, mental or moral welfare would be at risk;
- (b) the child is likely to engage in self-harming conduct; or
- (c) the child is likely to cause injury to another person.¹¹

These conditions are a justifiably high threshold that stipulate that these orders can only be made to protect a child and stop them from harming others.

As stated by the United Nations Committee on the Rights of the Child, the reaction to an offence should always be in proportion not only to the circumstances and the gravity of the offence, but also to the age, lesser culpability, circumstances and needs of the child, as well as to the various and particularly long-term needs of the society.¹²

We believe that lowering the criteria for MRCs would enable them to be used when they are not proportionate. They are an order created to support a child's welfare and expanding their use risks changing them into a punitive measure.

If these orders were more widely applicable and more children were placed on them, this could also lead to greater numbers of children not complying with these orders and being drawn further into the system and experiencing the ramifications of this.¹³ Moreover, increasing their use does nothing to address the underlying welfare issues a child may be experiencing.¹⁴

Question 7: Should any of the above options be considered further?

Yes / No

- **If yes, which option(s)?**

Please give reasons for your answer, including any positive or negative implications of any of the proposals.

N/A

¹¹ Children's Hearing (Scotland) Act 2011, s.83(6).

¹² UN Committee of the Rights of the Child, General comment 10: Children's Rights in Juvenile Justice (2007).

¹³ Scottish Government, Movement restrictions conditions in the children's hearing system: guidance, accessible here: <https://www.gov.scot/publications/intensive-support-monitoring-system-guidance-use-movement-restriction-conditions-mrcs/pages/8/>.

¹⁴ CiS Manifesto (n 8).

Question 8: Please give details of any other ways in which the use of the children's hearings system could be maximised, including how the interface between the children's hearings system and court could change

We support the principles of Kilbrandon¹⁵ and the recommendation by The Promise that a welfare-based approach to offending should be realised.¹⁶

We know that many children and young people become involved in crime because of vulnerable family circumstances and the impact of childhood trauma. The complexity of youth offending and its link to children's upbringing was highlighted as far back as the 1964 Kilbrandon Report.

There is an established body of evidence that children involved in offending behaviour are some of the most vulnerable in our society. Data from the Scottish Children's Reporter Administration shows that most young people who become involved in offending behaviour have experienced adversity early in their lives.¹⁷ The challenges experienced include exposure to violence, neglect and parental substance misuse, and there is a higher likelihood of additional support needs and problems with education. Additional research has shown a strong link between living in poverty and violence by young people.¹⁸

We agree with the statement by the Government that "all children and young people must be able to benefit from this welfare-based approach, especially those who need care and protection because of the actions or omissions of others in their lives".¹⁹

The use of the children's hearings system could be maximised through greater efforts to ensure that more children stay within it and are not going through the criminal courts. Children in Scotland believes that raising the maximum age of referral will mean all children – including vulnerable 16- and 17-year-olds involved in offending behaviour – have the potential to benefit from the support of the Children's Hearings System.

For further suggestions on how the children's hearings system could be maximised, we endorse the recommendations made by The Promise.²⁰

¹⁵ <https://www.gov.scot/publications/kilbrandon-report/pages/4/>

¹⁶ <https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf>

¹⁷ <http://www.scra.gov.uk/wp-content/uploads/2016/03/Backgrounds-and-outcomes-for-children-aged-8-11-years-old-who-have-been-referred-for-offending.pdf>

¹⁸ http://scottishjusticematters.com/wp-content/uploads/SJM_3-3_November2015-Complete.pdf.

¹⁹ Children's Care and Justice Bill, Consultation on Policy Proposals.

²⁰ <https://thepromise.scot/assets/UPLOADS/DOCUMENTS/2020/10/The%20Promise%20Children's%20Hearings%20System%20Briefing%20Autumn%202020.pdf>.

Question 9: Should any of the above options be considered further?

Yes / No

- **If yes, which option(s)?**

Please give reasons for your answer, including any positive or negative implications of any of the options. We are particularly interested in implications for people who have been harmed

N/A

Question 10: Where a child requires to be deprived of their liberty, should this be secure care rather than a YOI in all cases?

Yes / No

Please give reasons for your answer

Yes.

We strongly back the recommendation of The Promise that 16- and 17-year-olds will no longer be placed in a Young Offenders' Institution (YOI) on remand or having been sentenced. As such, we welcome the Scottish Government commitment to ending the placement of 16- and 17-year-olds in YOIs without delay. As indicated in the consultation itself, YOIs have been deemed as inappropriate settings for children and are more akin to adult prisons.²¹ Vulnerable young people should be in an environment that is supportive and can follow trauma-informed practice.

This being said, there is still work to be done to ensure that secure care in Scotland is improved.²² To do this effectively, we would urge the Government to listen to and work closely with children and young people with lived experience of these settings.²³ We have heard from our members how adopting a therapeutic approach in practice brings about very positive change.²⁴

²¹ HMIPS, Report on full inspection on HMP YOI Polmont – 29 October to 2 November 2018, accessed here: <https://www.prisoninspectorscotland.gov.uk/publications/report-full-inspection-hmp-yoi-polmont-29-october-2-november-2018>.

²² Children and Young People's Commissioner Scotland, Statutory duties in secure accommodation: unlocking children's rights, accessed here <https://www.cypcs.org.uk/wpcypcs/wp-content/uploads/2021/06/Secure-Investigation.pdf>.

²³ CYCJ, Secure care in Scotland: young people's voices, accessed here: <http://www.cycj.org.uk/wp-content/uploads/2017/10/Secure-Care-Young-Peoples-Voices.pdf>.

²⁴ <https://childreninscotland.org.uk/we-need-to-nurture-staff-who-nurture-our-kids/>

Question 11: Should there be an explicit statutory prohibition on placing any child in a YOI, even in the gravest cases where a child faces a significant post-18 custodial sentence and/or where parts of a child's behaviour pose the greatest risk of serious harm?

Yes / No

- **If no, in what exceptional circumstances should use of a YOI be considered?**

Please give reasons for your answer

Please refer to our response given to question 10.

Question 12: Should existing duties on local authorities to assess and support children and care leavers who are remanded or sentenced be strengthened?

Yes / No

Please give reasons for your answer

- **If yes, please provide details of how this could be achieved**

No.

Children and young people who have left the care system who have been remanded or sentenced are particularly vulnerable groups in society who require support and knowledge of their legal rights. Children in Scotland would welcome enhanced support for these groups. We understand that there are currently duties on local authorities in respect of these particular children and young people but that the levels of support that are provided can vary across different local authorities.²⁵ We are unable to comment in detail whether support could be improved through strengthening the existing duties on local authorities but would recommend that more available training and resource is made available so that the present duties are upheld effectively across all local authorities in Scotland.

Question 13: Do you agree that the three above changes related to anonymity should be made?

- Yes to all changes

²⁵ <https://www.clanchildlaw.org/care-leavers-rights-overview>

- Yes but only to some changes (please identify which ones)
- No

Please give reasons for your answer

Yes, but only to some changes.

Children in Scotland welcomes the proposed changes and their direction towards improving the privacy of young people who have committed offences and helping them move on from acts carried out in their childhood.

In response to proposal 1) we would value further clarity and practical detail on how the exemption “in the interests” of justice would be defined and what examples would constitute meeting this threshold.

We welcome proposal 2) allowing children to apply for anonymity from their first contact with the criminal justice system.

Regarding proposal 3) Children in Scotland would value further information on why lifelong anonymity (bar in situations where it is not in the public’s best interest) has not been considered if this position has been supported by all four Children’s Commissioners across the UK.²⁶

Question 14: Do you agree that the regulatory landscape relating to secure care needs to be simplified and clarified?

Yes / No

Please give reasons for your answers

- **If yes, please provide details of how this could be achieved**

Yes, please refer to our response to question 10 on secure care.

Question 15: Do you feel that the current definition of "secure accommodation" meets Scotland's current and future needs?

Yes / No

Please give reasons for your answers

²⁶ <https://www.childcomwales.org.uk/wp-content/uploads/2016/04/Report-of-the-UK-CCs-UNCRC-Examination-of-the-Fifth-Periodic-Report.pdf>.

If no, please provide details of how this could be changed

N/A

Question 16: Do you agree that all children under the age of 18 should be able to be placed in secure care where this has been deemed necessary, proportionate and in their best interest?

- **Yes through all routes**
- **Yes but only through certain routes**
- **No**

Please give reasons for your answer, including any positive or negative implications

As stated in our response to question 10, Children in Scotland supports children under the age of 18 being placed in secure care instead of YOIs as these are not age-appropriate settings. There is still much work to do to improve secure care placements and these changes should be informed by those who have experienced secure care.²⁷ There are various routes to secure care in Scotland, and some young people are placed there for their own safety and wellbeing, not because they posed a risk of harm to others. However, there is a prevalent view amongst many young people that there is a punitive aspect to secure care, whatever the route taken.²⁸ This clearly needs to be addressed, and all efforts made to ensure that the use of secure care is appropriate, proportionate and focused on child welfare.

We do not feel able to comment specifically on the routes that children should be placed in secure care but would urge the Government to consult with experts in this area such as the Centre for Youth & Criminal Justice.

Question 17: Should the costs of secure care placements for children placed on remand be met by Scottish Ministers?

Yes / No

Please give reasons for your answer

Yes, we welcome the aim of ensuring that financial considerations do not prevent a child or young person being placed in secure care²⁹ where this is in their best interests, but we are unable to comment on this in detail.

²⁷ https://strathprints.strath.ac.uk/68076/1/Gough_CYCJ_2017_secure_care_in_scotland.pdf

²⁸ Ibid.

²⁹ <https://www.cypcs.org.uk/wp-content/uploads/2021/06/Secure-Investigation.pdf>

Question 18: Is a new national approach for considering the placement of children in secure care needed?

Yes / No

Please give reasons for your answer

- **If yes, please provide details of what this approach should look like**

N/A

Question 19: Is provision needed to enable secure transport to be utilised when necessary and justifiable for the safety of the child or others?

Yes / No

Please give reasons for your answer

N/A

Question 20: Are there any other factors that you think need to be taken into account in making this provision for secure transport?

Yes / No

Please give reasons for your answer

- **If yes, please provide details of these factors**

N/A

Question 21: Do you agree children should be able to remain in secure care beyond their 18th birthday, where necessary and in their best interests?

- **Yes / No**

If yes, for all children or only those who are remanded or sentenced?

If yes, how long for?

- **For as long as the child's needs require it**

- To a maximum length of remand or sentence (and if so what should this be?)
- To a maximum age (and if so what should this be?)
- For another period (please specify)

Please give reasons for your answers

We recommend that the Scottish Government engages with children and young people to understand their views and preferences about these proposals.

Question 22: Do you agree with the introduction of pathways and standards for residential care for children and young people in Scotland?

Yes / No

Please give reasons for your answer

- If yes, please provide details of what measures and provisions are needed and how you think this should operate in practice

N/A

Question 23: Do you agree that local strategic needs assessment should be required prior to approval of any new residential childcare provision?

Yes / No

Please give reasons for your answer

- If yes, please provide details of what measures and provisions are needed and how you think this should operate in practice

N/A

Question 24: Do you agree that there should be an increased role for the Care Inspectorate?

Yes / No

Please give reasons for your answer

- **If yes, please provide details of what measures and provisions are needed and how you think this should operate in practice**

We welcome the Government's view that deprivation of liberty for children should be as a last resort.³⁰ However, we would welcome further detail on how this augmented role of the Care Inspectorate would support this policy goal and on how the Care Inspectorate will be supported to bring about recommendations made by The Promise.³¹

Question 25: Do you agree that all children and young people living in cross-border residential and secure care placements should be offered an advocate locally?

Yes / No

- **If yes, please provide details of how you think this should operate in practice**

Yes.

All children and young people living in cross-border residential placements should be not just offered but provided an advocate that they can access easily.

A report by the Care Inspectorate outlined how children in cross-border placements are not having their rights upheld due to lack of planning, inadequate resource and poor practice.³² There is a distinct paucity of data relating to cross border placements however, so efforts should be made to map the nature and extent to which this is happening in more detail and identify what progress can be made.³³

We note that addressing this situation does not solely lie with the Scottish Government. A report by the Competition and Markets Authority into children's social care in England, Scotland and Wales found that the lack of

³⁰ Children's Care and Justice Bill, Consultation on Policy Proposals.

³¹ <https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf>

³² <https://www.careinspectorate.com/images/documents/6670/Distance%20placements%20exploration%20report%202022.pdf>

³³ OFSTED 2021 report in England secure care: 20 CYP from English LAs placed in

adequate provision in England is the key driver for English children being placed in Scotland.³⁴

We share the concerns of the Children and Young People's Commissioner for Scotland regarding the Cross-border Placements (Effect of Deprivation of Liberty Orders) (Scotland) Regulations recently passed by the Scottish Parliament. The Commissioner has highlighted how these create a "second class" of looked after children in Scotland as English, Welsh and Northern Irish children placed in Scotland do not have the same protections in Scots law as Scottish children in the same settings.³⁵

Therefore, clear, effective and collaborative working between the Scottish and UK Government s is urgently needed. It is seldom in a child's best interest to place them in a different country and this uproots them in all areas of life, such as a different health system and education system.

There may also be situations where children and young people in these placements need access to a lawyer as at times legal knowledge is needed to ensure their rights are upheld. As such, we would recommend that the Government make accessible legal assistance more available to this group of young people in addition to advocacy.³⁶

Question 26: Whilst there are standards and procedures to follow to ensure restraint of children in care settings is carried out appropriately, do you think guidance and the law should be made clearer around this matter?

Yes / No

- **If yes, please provide details of how this could be achieved**

Yes.

Using restraint as a consequence for challenging behaviour is not only stigmatising and humiliating, but can also exacerbate the trauma a child is going through.³⁷ We echo the call of The Promise that Scotland must strive to become a nation that does not restrain its children and must make this a reality through better training and support for the workforce in care settings.³⁸

³⁴ <https://www.gov.uk/government/publications/childrens-social-care-market-study-final-report/final-report>

³⁵ <https://www.cypcs.org.uk/resources/cross-border-placements/>

³⁶ Alison Reid (Principle Solicitor at Clan Childlaw) speech at the CYCJ Justice Conference on 15th June 2022.

³⁷ The Promise.

³⁸ Ibid.

Question 27: Do you agree that the review of the 2019 Act should take place, as set out, with the 3-year statutory review period?

Yes / No

- **If no, what period do you think is appropriate?**
- **If a shorter review period, how should the Scottish Government to address the lack of review findings or data to inform such a change?**

No.

When the Age of Criminal Responsibility (Scotland) Bill (now the 2019 Act) was going through Parliament, we welcomed the progression made of raising the minimum age of criminal responsibility from 8 to 12 as a significant positive step for implementing children's rights into Scots law but expressed regret that a higher age had not been set. We strongly recommended looking at raising the minimum age further, learning from other nations, and crucially from the experiences of young people themselves to bring Scotland more in line with international best practice and national ambitions.³⁹

Children in Scotland still believes that further progress can and ought to be made urgently. Since the last consultation on this issue, the UN Committee on the Rights of the Child has now recommended that states take note of scientific findings of child development and raise the minimum age of criminal responsibility to at least 14.⁴⁰ We urge the Scottish Government to follow through on its proclaimed ambitions of respecting children's rights and raise the age as a priority.

It is understood that only a brief amount of time into the review period of the Act has passed and, therefore, there is a lack of findings from the Advisory Group about how this legislation has operated so far. However, we are strongly of the view that there is enough data to at least increase the minimum age of criminal responsibility to 14. A wealth of evidence on this was provided by the children's sector in the last consultation on this issue, and so we would urge the Scottish Government to revisit these submissions.

The Advisory Group could then utilise its review period to examine the evidence about raising the age higher (to 16).

³⁹ https://childreninscotland.org.uk/wp-content/uploads/2018/08/Minimum_Age_Criminal_Responsibility.pdf

⁴⁰ Committee on the Rights of the Child, General comment No. 24 (2019) on children's rights in the child justice system, accessed here: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsglKirKQZLK2M58RF%2f5F0vEnG3QGKUxFivhToQfjGxYjV05tUAlgpOwHQ.JsFPdJXCiixFSrDRwow8HeKLLh8cgOw1SN6vJ%2bf0RPR9UMtGkA4>.

Question 28: What, if any, do you see as the data protection related issues that you feel could arise from the proposals set out in this consultation?

N/A

Question 29: What, if any, do you see as the children's rights and wellbeing issues that you feel could arise from the proposals set out in this consultation?

We note that no Child Rights and Wellbeing Impact (CRWIA) has been published alongside this consultation. This is regrettable as it would have been useful to review the Government's assessed impact of the proposals it has made. We strongly recommend that a CRWIA is undertaken on these proposals as soon as possible.

Creating effective change for the lives of children who have come into contact with the justice system or have been harmed by a child will necessitate community support being available, which has not been covered in this consultation.⁴¹ Anecdotal evidence from our membership⁴² and various reports published by other organisations demonstrate the lack of guaranteed access to support.⁴³ There has also been a reduction in meaningful support for families facing adversity over the past six years.⁴⁴ It is crucial that relationship-based family support is invested in. A coherent national approach is necessary to guarantee that all families receive the support they need for as long as they need, and to ensure families do not fall through the cracks of a piecemeal network of support services.⁴⁵ The Government must also ensure that the views and needs of children and young people are fully considered throughout the progression of these proposals.

Question 30: What, if any, do you see as the main equality related issues that you feel could arise from the proposals set out in this consultation?

N/A

⁴¹ CiS Manifesto

⁴² <https://childreninscotland.org.uk/voices-forum/>

⁴³ <https://learning.nspcc.org.uk/research-resources/2017/right-to-recover-sexual-abuse-west-scotland#:~:text=The%20main%20report%20summarises%20findings,who%20have%20experienced%20sexual%20abuse.>

⁴⁴ <https://learning.nspcc.org.uk/research-resources/2020/challenges-from-the-frontline>

⁴⁵ CiS Manifesto.