



**Children's Sector Strategic and Policy Forum  
Monday 18 September 2024  
Summary of the Meeting**

## **Introduction**

We had a great turnout for the meeting on the 18 of September and a packed agenda. Below is a summary of the meeting. Please get in touch with us if you want any more information about anything you read here.

### **1. UNCRC Update**

With the recent incorporation of the UNCRC, a significant portion of the meeting was given over to looking at how we could best make use of the Forum to contribute to an effective incorporation of UNCRC at a practical level. As well as Juliet Harris from Together (who is on the Forum) we were joined by Nick Hobbs from the Children and Young People Commissioner Scotland (CYPCS).

The conversation focused on the understanding of the new law, how it applies to individual organisations, and how it can be used as a tool to push forward change. It was clear that it was a crucial time to consider the importance of the power that are unique to the CYPCS as we think about how to use incorporation to push for better outcomes from children and young people.

Nick specifically spoke about how there are real possibilities in terms of the litigation space, and CYPCS are keen to work with the sector to realise these opportunities. In relation to these legal powers, he reinforced the fact that the Commissioner does not act as the legal representative for a child when they take a case. The CYPCS' job is to take strategic cases in the public interest to look at cases which provide the opportunity to set precedence, to interpret, or to change the law.

Members reading this summary will be interested to know (if they do not know already) that CYPCS have devised a strategic litigation toolkit. To help define the criteria to apply when making decisions about litigation and helping use the learning and best practice from across the global child rights litigation community.

Clearly the CYPCS are not going to be able to take on every case and therefore they, and those hoping to work with them, need to think about how best the CYPCS

can use their position and their authority to try to help create a culture in Scotland where strategic litigation can be used in a positive way to drive improvements in children's rights. The work also needs to synchronise with the strategic plan which outlines the key strategic priorities as education, poverty, mental health and climate justice.

It will also be important for them to try to protect the Act as much as possible and to look at incompatible legislation.

Juliet reflected that this is opportunity for the Strategic Forum to consider actions the group wants to take to use the law where we have been struggling in the past to get attention to. A good piece of news is that Together in partnership with Clan Childlaw, have an application into the CORRA Human Rights Fund to potentially secure a shared post between the two organisations. This would be a Legal Officer whose role would be to work with Together's members and the Strategic Forum to help unpick some of the questions surrounding when we can use the law for a particular issue and when we cannot, and how to use the law strategically.

The discussion after the presentation brought up a number of themes that we might start to develop in this area, and Juliet and Judith (the chair) will be working together to look at how best to progress this further.

## **2. National Care Service Update**

The proposed National Care Service could have a significant impact on children's services. It felt important to have an update on what is happening in terms of the Bill. Ben Farrugia who is the director of Social Work Scotland and sits on the Forum kindly agreed to give the Forum an update.

He shared some concerns that despite the potential impact, the children's sector is quite absent from the debate. This comes both from the fact that children's services were not directly included from the start and because there is so much currently happening in the children's sector.

The Bill that was originally introduced in 2022 has become highly modified and is now looking to amend the current Public Bodies Joint Working Act which underpins health and social care integration in Scotland. This will be amended to create a single form of integration in Scotland, the IJB model will be the only model permitted. These will become National Care Service Local Boards and they will report to a new non departmental public body which will be called the National Care service Board.

This body will be similar to Public Health Scotland, where the body will be co-owned between local government and the Scottish Government. The Bill gives Scottish Ministers the power to set a national care service strategy for all the services covered by the national care service and to establish the Chief Social Work Advisor role into statute. There would be a National Social Work agency.

COSLA have opposed any move which restricts local areas ability to decide what to delegate and what to integrate with the NHS. They argue that if Scotland believes in local economy and decision making it cannot then continue to restrict what local areas choose to do.

It is still not clear what this means for children services, however, it is important that the children's sector engages more actively for many reasons. For instance, there are significant change to commissioning and procurement that might result from this. If the Bill proceeds as is currently drafted, it will possibly cement the current arrangements where different areas have different arrangements with children's services in terms of the IJB. This might mean significant differences in children's services across Scotland.

Where children's services would be included, children's priorities would be discussed in the same structure as adult priorities in a way that they haven't before. It is particularly important to think about the voice and representation of children and young people in these structures. There is also the potential of fragmentation of the social work profession, where there will be big parts of social work within a NCS structure and a big part not which will make governance, improvement and leadership difficult.

There is a need to think about what this means in terms of delivering the Promise, what it means in terms of wider children's rights. And quite urgently there is a need for a child right's assessment.

### **3. Funding Update**

Jude provided the Strategic Forum with a funding update. One of the actions from the previous meeting was to follow up on CYPFEI & ALEC and CYPFAL funding. Since the last meeting the recipients of the fund received an email from Andrew which said that there would be an update on the funds by the very latest at the start of December if not sooner.

A follow up letter was written on behalf of the Strategic Forum about the importance of the funding, requesting news as soon as possible and asking to be involved in discussions, particularly if significant changes were likely.

There has also been a lot of activity in the pre -budget scrutiny space with Jude attending a workshop and a committee session. The messages around fair funding were strong and clear.

### **4. Child Poverty Act**

Jude introduced John Dickie from Child Poverty Action Group, who provided an update on the Child Poverty Act.

Scottish Parliament Social Justice and Social Security Committee's call for evidence on the post legislative scrutiny of the Child Poverty Act closed the Friday before the meeting. However, the committee had said they were open to further communication, so it felt useful to bring the discussion to the Forum.

By 2030 the Act requires Scottish Ministers to reduce relative child poverty to less than 10%, to reduce absolute poverty to less than 5%, to reduce combined income material deprivation to less than 10% and to reduce persistent poverty to less than 5%. It also requires Scottish Ministers to meet interim targets by 23/24. We will know if those have been met when the next official child poverty study statistics are published in March.

From the responses to the call for evidence it is clear that the Act has been instrumental in ensuring that child poverty has been higher up the policy agenda in Scotland than it had been previously and higher than elsewhere in the UK. It has also driven real progress in terms of budget decisions (including the Scottish Child Payment and investment in expanded funded childcare). We continue to see this reflected in both political and civil service leadership.

However, it is also clear that the policies in place are not yet sufficient to actually meet the targets. There is room for improvement in terms of engagement with parents, carers and children and young people and a concern that it is not explicit enough in recognising the extent to which women's poverty is a key driver in children's poverty.

On the back of the discussion, Children in Scotland crafted a letter on behalf of the forum to reinforce the key points made in the Child Poverty Action Group response.

## **5. Programme for Government**

We finished the meeting by having a short discussion on the Programme for Government.

There were a variety of different emerging themes which pointed to the fact that although it was positive that the programme highlighted child poverty, there were other weaknesses.

One of the most important themes was the fact that the Human Rights Bill for Scotland has been delayed. This would have incorporated the International Commitment on Economic, Social and Cultural Rights which is highly relevant in terms of the Forum's discussions surrounding poverty and also the United Nations Convention on Persons with Disabilities. This would have strengthened the human rights environment for transitions. Juliet reflects that the children's sector needs to be more vocal in this area and supporting the broader human rights law. This will bring additional benefits for babies, children, and young people. A letter was circulated to Together members and was published yesterday. Juliet asked the Forum to keep an eye on this issue.