

Appendix 2

Responses to the Consultation on Rights of Children and Young People Bill

Responses to consultation questions:

1. Do you agree that legislation to embed the UNCRC within the Scottish Government's decision-making and day-to-day business is necessary and appropriate?

- Yes. We believe that additional weight given to the UNCRC will impact favourably on outcomes for children and young people.

2. Do you agree that "due regard" is the appropriate level of regard for the duty on the Scottish Ministers? If not, why not?

- Whilst there is a general welcome for Scottish Ministers to take account of the UNCRC, there was some concern that 'due regard' may not be strong enough and may not carry enough weight legally. Consideration should be given to a higher level of legal entitlement.
- We would welcome a commitment by Scottish Ministers to demonstrate how the level of regard has been paid within their decision-making and day-to-day business.

3. Do you agree that the duty should apply to all the functions of the Scottish Ministers? If not, why not?

- Yes.

4. Do you agree with the proposed arrangements for reporting?

- Five years may be too long of a gap in between reports – given the Scottish Parliament is re-elected every four years, a government may find its entire period of office is not reported on. We suggest that Scottish Ministers should report every two years.

5. Do you agree with the extension of the duty in respect of UNCRC to young persons aged under 21 who have been looked after?

- Yes, but consideration should also be given to whether to apply the extension to other vulnerable groups such as young people with additional support needs.

6. Do you agree with the proposals for handling future amendments to the Convention or Protocols or new Protocols?

- These proposals could be made clearer.

- It seems sensible to bear in mind that the UNCRC is a living document which is subject to change.

7. Is there other provision which should be made in the Bill? (See section 3.3 which sets out what the Bill would not do.)

- See above (Q.5) re other vulnerable groups.
- The Bill could also make explicit a duty on Scottish Ministers to engage with and consult children and young people as appropriate across their range of functions.

8. Do you have any comments on implementation costs or how they should be estimated?

- No.

9. Do you have any other comments?

- It would be useful to be explicit about entitlements e.g. children and young people's access to services.
- We regard the Bill as very important and look forward to playing a full part in the consultation on the forthcoming Children's Services Bill.
- It would be useful to say more in the Bill about the relationship between the proposals and the role of the Scottish Commissioner for Children and Young People.
- One respondent took issue with the concerns in the consultation document about possible conflicts between the UNCRC and the European Convention on Human Rights or the Equalities Act 2010. These need not be in conflict.
- The Bill limits its scope to the responsibilities of the Scottish Government in regard to the UN Convention. What about the responsibilities of local government and other Public authorities? Will these be included in future legislation?

Consultation with young people

The consultation with young people focussed on their understanding of the UNCRC and where they think the focus should be in terms of children and young people's rights.

Young people were often not aware of the UNCRC but they were acutely aware of what they need in their lives to be healthy, happy, safe and included. They felt it was appropriate that those needs were recognised and legal commitments are made to ensure they are met. They had much to say on their experiences of their entitlements.

At home

Generally, young people felt life at home was good and they felt safe and cared for. However, there was some concern about their relationships with their parents – not understanding each other, parents being over-protective or not involving them in decision-making processes.

Some had experiences in the home which limited their enjoyment of being young; caring responsibilities, exposure to violence, substance misuse.

At school

Generally, young people appreciated their experiences of education in Edinburgh and talked particularly of the worth of extra-curricular activity in their learning. However, they felt they could have more of a say in school. Although they saw the value of student councils, they felt these can have limitations. Often only a few young people could be involved and ‘big’ decisions – such as on changes to the curriculum or how subjects were taught – seemed to be made by adults without their input being heard.

In the community

There was a general feeling of being safe and young people spoke highly of varied activities and things to do in their communities. However, there was some dissatisfaction over cleanliness, the potential of violence – particularly related to alcohol and drugs - and feeling stereotyped because they were young.

Growing up in Scotland

Scotland was seen as a great place to live and be young in. However, there were concerns over aspects of Scottish culture, especially around the misuse of alcohol and drugs, and difficulties in dealing with emotions. They felt there were high levels of poverty and inequality and that the realisation of rights was affected by the economic situation of your family. A few had also direct experience of bullying or crime fuelled by racism or homophobia. Sometimes they felt let down by the adults who dealt with it.

These themes are similar to those raised by young people in the Edinburgh Youth Issues Forum event on the Scottish Commissioner for Children and Young People’s Right Blether consultation in 2010. They also reflect the findings of this year’s schools self-evaluation survey.