



Scotland's Commissioner for Children and Young People

# Policy Priority Consultation 2005



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## Keeping Promises





**Scotland's Commissioner for Children and Young People**

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Kathleen Marshall is Scotland's first Commissioner for Children and Young people. The Commissioner's main function is to promote and safeguard the rights of children and young people – up to age 18, or 21 if they have ever been in care or looked after by a local authority. The rights involved are set out mainly in the UN Convention on the Rights of the Child.

The Commissioner is identifying her policy priorities for the next two years and invites organisation working with and for children and young people to comment on what they think these priorities should be.

This paper sets out the Commissioner's thinking and tells you how you can respond.

Responses should arrive at the Commissioner's office no later than 31st January 2006. Late responses will be accepted where it is practicable to do so.

***Send by post to:***

**SCCYP!  
85 Holyrood Road  
Edinburgh  
EH8 8AU**

**Or by e-mail to: [info@sccyp.org.uk](mailto:info@sccyp.org.uk)**

**Or via the online response form at [www.sccyp.org.uk](http://www.sccyp.org.uk)**

If you have any questions about the Policy Priority Consultation, please contact Maire McCormack, SCCYP!'s Head of Policy, on **0131 558 3733**.

## The Consultation Process

### How we are consulting

This paper is being sent to agencies on our contact lists, including local authorities, health and housing agencies and voluntary organisations. We are also placing adverts, inviting people to consult our website, or contact the office for information.

The consultation document is available both as hard-copy and from the SCCYP! website, [www.sccyp.org.uk](http://www.sccyp.org.uk). If you have any queries or cannot access the documents in the formats available, please contact Maire McCormack by telephone on 0131 558 3733 or by email to [info@sccyp.org.uk](mailto:info@sccyp.org.uk)

### How to respond

A response form is attached and is also available on our website. Organisations may provide additional information in an accompanying paper.

### Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please indicate in the response form how you wish your response to be treated. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly. We will check all responses where agreement to publish has been given for any potentially defamatory material before making them publicly available.

### What happens next?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on our future priorities. We aim to issue a report on this consultation by March 2006.

### Comments

If you have any comments about how this consultation has been conducted, please send them to SCCYP!

### How the Consultation will influence our work

SCCYP!'s core activities include:

- Tracking areas where the UN has identified Scotland as failing to comply with the Convention on the Rights of the Child;
- Monitoring proposals for law and policy to assess whether they comply with the Convention;
- Involving children and young people and seeking their views on significant matters; and
- Paying special attention to those children and young people who find it hard to get heard – for whatever reason. This means that we will always be particularly concerned about issues of importance to groups marginalised by their differing abilities, ways of communicating, location, ethnicity, religion, sexuality or other focus of discrimination.

In addition to these core activities, SCCYP! will be working proactively to put issues onto the public agenda and seek solutions for them. The results of this consultation will influence the areas we choose to focus on. It is not a straightforward vote. While the number of preferences expressed for each option will clearly be significant, we will also be taking account of the range of interests that they represent and other relevant factors. We will publish an analysis of the responses and explain how we reached our decision.

### Guiding Principles

SCCYP! believes its priorities should focus on:

- Things that make a significant impact on the lives of children and young people;
- Matters that we believe we can make a significant impact on, given our status, resources and expertise; and
- Matters that are either not being addressed by others in any substantial way, or which are being addressed but where we can identify a significant *value added* by our involvement.

## Options

We have identified three broad themes. We are inviting you to tell us which *one* of the three you think we should concentrate on. We will still do some work on the other themes (especially Theme 3, which is an expansion of a core activity), but the one chosen as our priority will attract extra effort. We have also left space for you to comment on any possibility you think we should have included but have missed out.

We have identified broad themes to allow flexibility. We want to be clear about our aims, but creative in our response, taking account of what others are doing and taking advantage of unexpected opportunities that might advance our agenda. Once a theme is selected, we will start our work on it by mapping out what others are doing and identifying particular pieces of work to focus on. This will enable us to draw up a more detailed plan of work.



### Theme 1: Promoting Proportionate Protection

#### *Balancing protection, fun, adventure and healthy relationships*

Everyone agrees that children and young people should be protected from danger and from people who might harm them. A lot of good work has been carried out to make sure that: play areas are safe; organised outings are properly regulated and supervised; people who might pose a threat to children and young people are not allowed to work with them; and people who do work with children and young people know how to keep them safe. However, there appears to be some concern that, for a variety of reasons, some of the protective

measures are creating new problems.

**Some have said** that the nature and extent of checks required before working with children and young people are putting people off; so fewer adults are willing to do this, and there are therefore fewer services and activities for children and young people. Some have said that the fear of false allegations of child abuse, and the publicity associated with them, also puts adults off from healthy interaction with children and young people. More generally, fears of being sued are said to be leading adults to close, or refuse to set up, some play and recreation facilities for children and young people. Young people with physical disabilities have told us that adults will not lift or move them for fear that this breaches health and safety rules. This can have a huge impact on their dignity, comfort and freedom to participate in normal life.

The **Convention** on the Rights of the Child says children have a right to be protected, but also to be able to develop in a healthy way and to enjoy leisure and recreation.

If this theme was adopted as our priority, **we could**:

- Research the experiences of children and young people, and the experiences and attitudes of adults;
- Analyse law, policy, procedures and practice, particularly in relation to child protection;
- Consult relevant trade unions and professional associations;
- Engage with the criminal justice system to explore issues about how child abuse allegations are dealt with, including the question whether suspects should be allowed to remain anonymous until convicted; and
- Consult lawyers and agencies, such as local authorities and insurers, to explore issues of compensation after being sued.

The **aim** would be to move towards a better balance between protection, fun, adventure and healthy relationships. The desired **outcome** would be to shape a different approach to child protection and opportunities for children and young people, based on reality checks and healthy risk-taking. We could identify **success indicators** in terms of:

- Changes to procedures;
- An increase in the number of adults willing to work with children and young people; and
- Positive trends in the development of services and opportunities for children and young people.

## Theme 2: Improving Family Support

### *Making sure that children, young people and families get real and effective support*

**Everyone agrees** that children and young people are best cared for within their families wherever possible. There are government initiatives to combat poverty and extend provision of child care. Particular groups have been identified as requiring special help; for example, young carers; the children of substance-misusing parents; families affected by mental health issues; families affected by disability or chronic or terminal illness. However, it seems clear that more needs to be done.

**Some have said** that there are many children and young people today who are basically “unparented”, for a variety of reasons. This argues for more resources for family support, more imaginative ways of providing that support, and better parent education.

The **Convention** on the Rights of the Child says that parents have the primary responsibility for the upbringing of their children. The government must provide appropriate support to help them do this.

If this theme was adopted as our priority, **we could**:

- Monitor and analyse spending patterns of central and local government, health and other relevant agencies, to identify whether children and young people's services were being appropriately funded;
- Explore the priorities of these authorities and agencies, to identify whether children and young people have an appropriate place in them;
- Find out how these services are experienced by children, young people and families, and how that experience compares with what the agencies hope to achieve; and

- Research international examples of imaginative ways to support children, young people and families.

The **aim** would be to influence law, policy, practice and resource allocation in the direction of more effective support for children, young people and their families. The desired **outcome** would be a discernible trend towards better supported children, young people and families. We could identify **success indicators** in terms of:

- A commitment to increased funding and resources, where these were found to be inadequate;
- Clearer and more appropriate positioning of children, young people and families within the priorities of agencies providing services;
- Increased confidence of children, young people and families that services would develop to meet their needs; and
- Serious thought being given to establishing more imaginative services, drawing on the experience of other places.

Note that the success indicators here are identified as “commitments” and “trends” rather than concrete results, because it is unlikely that much more could be gained within a two year period. However, if this was continued as a priority for a further two years, we would expect to see the beginnings of actual change.



## Theme 3: Promoting Social Inclusion

### *Highlighting the challenges faced by marginalised groups and seeking improvement*

*[NB: This is a core activity that will form part of our work, no matter what the result of this consultation. However, if chosen as a priority, it would attract the extra resources that would otherwise be used to promote other themes.]*

**Everyone agrees** that all children and young people are entitled to all the rights set out in international law. In recent years, government policies of social inclusion have aimed to help these children and young people. However, **some have said** that much more needs to be done to achieve real inclusion in our society of those with additional support needs and to respect the basic human rights of groups existing at the margins of our society.

The **Convention** on the Rights of the Child says that no child should be discriminated against in a negative way, and every child has a right to be helped to fulfil their potential.

If this theme was adopted as our priority, **we could** prioritise work designed to advance the rights of particular groups, such as:

- Children and young people with disabilities;
- Children and young people who are looked after by local authorities;
- Young carers;

- Gypsy travellers;
- Asylum seekers and refugees;
- The chronically sick and terminally ill;
- Children and young people who are subject to discrimination for other reasons, such as ethnicity, religion or sexuality; and
- Children and young people who are detained for whatever reason (offending behaviour, danger to themselves or others, mental health, immigration).

The focus of our activity would be on challenging law, policy and practice that failed to respect the rights of children and young people who may be subject to some form of discrimination. We would actively seek out and identify situations where rights were breached and make them visible.

The **aim** would be to highlight instances of social exclusion and promote respect for rights. The desired **outcome** would be increased opportunities for these children and young people to enjoy life and fulfil their potential. We could identify **success indicators** in terms of:

- Greater public awareness of the needs of these groups and their potential contribution to the life of our society;
- Some particular successes in terms of the provision of services. (Actual target areas would be identified in consultation with children, young people and agencies if this theme was chosen.)
- Improved life experience of children and young people.



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## Information about You and Your Organisation

Name:
Contact details for you or your organisation:
Name of your organisation:
Your role in the organisation:
Brief details of your organisation's aims:
Does your organisation work directly with children and young people? <input type="checkbox"/> Yes <input type="checkbox"/> No
Have you consulted children and young people about this response? <input type="checkbox"/> Yes <input type="checkbox"/> No
If so, please give brief details:
Is there anything else you want to tell us about your organisation?
Do you want us to keep your organisation's details on our records? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Any personal data you provide will be processed in accordance with the provisions of the Data Protection Act 1998</i>
Do you agree to your response being made available to the public? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>We will treat your response as confidential</i>



## Your Preferred Theme

Please tick the appropriate box

- 1 Promoting Proportionate Protection**
- 2 Improving Family Support**
- 3 Promoting Social Inclusion**

### Reasons for Your Choice

*(You can also send us a separate, short paper)*

## Is There Anything Else You Want to Add?

