

United Nations Convention on the Rights of the Child

Scottish Government Initial Response to the Concluding Observations issued by the UN Committee on the Rights of the Child

March 2024



Foreword



I am delighted to share this report which sets out the Scottish Government's initial response to the [UN Committee on the Rights of the Child's Concluding Observations](#) for the UK State party. The contents of this document reflect our absolute commitment to ensuring that children and young people across Scotland can fully experience their rights.

The UN Committee published its Concluding Observations in June 2023 following an interactive dialogue session with the UK, which took place in Geneva in May 2023.

The Scottish Government was represented as part of the UK delegation in Geneva and contributed to both the written and oral evidence provided by the State party. We welcomed the opportunity to demonstrate to the UN Committee the progress that we are continuing to make here in Scotland in taking forward our commitment to place human rights, including the rights of the child, at the heart of all that we do. This includes our actions to:

- Raise the age of criminal responsibility from 8 to 12 and our commitment to consider a future age of criminal responsibility;
- Implement the equal protection from assault legislation, providing Scotland's children with the same legal protection from assault as adults;
- Tackle child poverty, including through the Scottish Child Payment, the expansion of free school meals and the near doubling of the funded early learning and childcare offer to 1140 hours per year; and
- Keep the Promise, including through the implementation of Bairns' Hoose for children and young people who have experienced trauma.

We recognise that our work to embed, promote and protect children's rights is an ongoing process. We are, therefore, grateful to the UN Committee for their Concluding Observations, which will help guide our next steps in further embedding children's rights across Scotland.

It is my great pleasure to confirm that the Scottish Parliament has delivered on the most important of the UN Committee's recommendations for Scotland, which is to take action on incorporating the UNCRC into Scots law. The Scottish Parliament unanimously approved a reconsidered UNCRC (Incorporation) (Scotland) Bill on 7 December 2023. The Bill received Royal Assent on 16 January 2024 and the provisions will commence on 16 July 2024.

Although the Supreme Court judgment on the Bill has resulted in less coverage for children's rights than we hoped to achieve, the Act does mark a significant advancement of children's rights in Scotland and the UK as we become the first devolved administration to incorporate the UNCRC requirements into law. We

believe that the Act provides a strong legal foundation for ensuring that children's rights in Scotland can be protected, respected and fulfilled.

As part of the implementation of the provisions in the UNCRC Act, we will also publish, and keep under review, a Children's Rights Scheme (CRS). This will set out on a regular basis how we will comply with the duties on Scottish Ministers within the Bill as well as secure better or further effect of the rights of the child.

Incorporation of the UNCRC forms part of our wider commitment to human rights. This includes our commitment to bring forward a landmark Human Rights Bill before the end of the 2023-24 parliamentary year. Within the limits of devolved competence, the Bill will seek to incorporate into Scots law the International Covenant on Economic, Social and Cultural Rights (ICESCR), alongside three other international human rights treaties for the protection of women, disabled people, and people experiencing racism. The Bill will also seek to include and recognise the right to a healthy environment.

The UNCRC Act also sits within the wider context of our policy prospectus – [Equality, Opportunity, Community: New Leadership - A Fresh Start](#), published in April 2023. In launching the prospectus, the First Minister committed to embedding equality, inclusion, and human rights into everything that we do. This applies across all three of the key missions which we aim to achieve over the remainder of the current parliament:

- **Equality:** Tackling poverty, especially child poverty, and protecting people from harm
- **Opportunity:** A fair, green and growing economy
- **Community:** Prioritising our public services

This Initial Response to the Concluding Observations includes actions relevant to all three missions.

I would like to thank all of those in our public bodies, civil society, parents, and carers and, crucially, children and young people themselves, for their support in taking forward the actions within this Initial Response to the Concluding Observations and in ensuring that children's rights are respected, protected and fulfilled. This is an exciting time for children's human rights in Scotland and I look forward to working with all of you in the years ahead as we consider our next steps in taking forward the UN Committee's recommendations as these relate to Scotland's children and young people.

Natalie Don MSP

Minister for Children, Young People and Keeping the Promise

Contents

Introduction	7
1. General Measures of Implementation	10
1.1 Sustainable Development Goals	10
1.2 UNCRC (Incorporation)(Scotland) Act.....	11
1.3 Scottish Government Human Rights Bill.....	12
1.4 UK Withdrawal from the European Union (EU).....	14
1.5 Comprehensive Policy & Strategy and Coordination	15
1.6 Coordination of Activity to Support Children’s Rights	17
1.7 Allocation of Resources	18
1.8 Data Collection	20
1.9 Independent Monitoring of Children’s Rights in Scotland	24
1.10 Raising Awareness of Children’s Rights	25
1.11 Awareness Raising and Training Across the Public Sector	27
1.12 International Cooperation	30
1.13 Children’s Rights and Business	31
1.14 Access to Justice & Remedies	34
1.15 Age of the Child	37
1.16 Minimum Age of Marriage.....	38
2. General Principles	39
2.1 Non-Discrimination	39
2.2 Age Discrimination.....	45
2.3 Complaints of Discrimination	48
2.4 Best interests of the child.....	50
2.5 Right to Life, Survival and Development.....	52
2.6 Respect for the Views of Children	55
3. Civil Rights and Freedoms	61
3.1 Right to an Identity.....	61
3.2 Safeguarding Vulnerable Children Through Prevent	62
3.3 Religious Observance in Schools.....	63
3.4 Freedom of Association and Peaceful Assembly.....	64
3.5 Stop and Search.....	66
3.6 Use of Strip Search.....	67
3.7 Access to Appropriate Information.....	68
4. Violence Against Children	72

4.1	Use of Electrical Discharge Weapons and Spit Hoods	72
4.2	Use of Restraint	73
4.3	Equal Protection from Assault	76
4.4	Abuse, Neglect and Sexual Exploitation and Abuse	78
4.5	Bairns' Hoose and Vulnerable Witnesses	82
4.6	Violence Prevention.....	85
4.7	Harmful Practices	86
4.8	Ending Conversion Practices.....	88
4.9	Support for Intersex Children and Young People	89
5.	Family Environment and Alternative Care.....	90
5.1	Early Learning and Childcare and Flexible Working	90
5.2	Young Carers	94
5.3	Looked After Children – Early Intervention and Prevention	95
5.4	Keeping the Promise	99
5.5	Support for Young People Leaving Alternative Care	103
5.6	Children of Incarcerated Parents	105
6.	Basic Health and Wellbeing.....	108
6.1	Disabled Children and Young People	108
6.2	Access to Paediatric Health Care Services	112
6.3	Health Inequalities	114
6.4	Support for Transgender and Gender-questioning Children and Young People	117
6.5	Child Nutrition	118
6.6	Breastfeeding and Infant Nutrition	122
6.7	Community-Based Mental Health and Wellbeing Support.....	125
6.8	Child and Adolescent Mental Health Services	129
6.9	Adolescent Health	132
6.10	Use of Drugs, Alcohol and Tobacco	133
6.11	Climate and Environment	136
6.12	Participation in Climate Change Policy	138
6.13	Tackling Child Poverty	140
6.14	Homelessness	145
7.	Education, Leisure, and Cultural Activities	148
7.1	Educational Attainment.....	148
7.2	Additional Support for Learning	149
7.3	Use of Exclusions	151
7.4	Discrimination and Bullying.....	152

7.5	Inclusive Education.....	153
7.6	Rights Education in Schools.....	155
7.7	Qualifications, Assessment and Learning Environment.....	156
7.8	Support for Play and Leisure	158
8.	Special Protection Measures	163
8.1	Asylum-seeking, Refugee and Migrant Children.....	163
8.2	Child Trafficking.....	167
8.3	Age of Criminal Responsibility	169
8.4	Youth Justice	170
8.5	Youth Justice – Early Intervention and Prevention	173
8.6	Legal Aid.....	174
8.7	Use of Remand.....	175
8.8	Capacity Building for Professionals in the Justice and Hearings Systems.	175
8.9	Secure Care and Young Offender Institutions	177
9.	Optional Protocols.....	180
9.1	Optional Protocol on the Involvement of Children in Armed Conflict	180
9.2	Ratification of Optional Protocols.....	181
9.3	Cooperation with Regional Bodies.....	181
10.	Follow-up and Dissemination.....	183

Introduction

Background to and Purpose of this Report

The UN Committee on the Rights of the Child's interactive dialogue session with the UK State party, including the devolved administrations, took place in Geneva on 18 and 19 May 2023. The Scottish Government participated as part of the UK Delegation.

Following this session, the UN Committee published its [Concluding Observations](#) for the UK on 2 June 2023. These set out around 200 recommendations for taking forward children's rights. The Concluding Observations are relevant across a wide range of Scottish ministerial portfolio interests, including Equalities, Justice, Education, Health, and Environment.

This report provides the Scottish Government's initial response to the UN Committee's recommendations, as these relate to Scotland. Scottish Government reports and standalone position statements on progress made in taking forward the UNCRC do not form part of the formal documentation submitted to the UN Committee, nor are they part of the formal process for reporting to the UN Committee. Rather, they are intended to assist the Scottish Parliament, civil society, and other interested parties in engaging with treaty reporting processes and in scrutinising the Scottish Government's human rights record. This report also includes updates on actions in our [Progressing the Human Rights of Children in Scotland: Action Plan 2021 to 2024](#). An End of Plan report on this Action Plan will be published in autumn 2024.

United Nations Convention on the Rights of the Child

The UN Convention on the Rights of the Child (UNCRC) is an international human rights Treaty which sets out the civil, political, economic, social, and cultural rights of all children, regardless of their circumstances. The UK ratified the UNCRC in 1991. Governments are expected to do all they can to implement the UNCRC and to ensure all laws, policies and decisions which impact on children from birth to 18 years of age comply with their human rights as set out in the Convention.

The UN Committee on the Rights of the Child monitors the UK State party's compliance with the Convention through a process of cyclical reporting and in-person dialogue sessions. As part of the required reporting ahead of the May 2023 dialogue session, the Scottish Government contributed to the [UK-wide response](#) to the UN Committee's [List of Issues Prior to Reporting](#). This report, which included an update on relevant activity across all areas of the United Kingdom, was collated by the UK Government as the State party and forwarded to the UN Committee in June 2022. In addition, in November 2022, the Scottish Government published the [Embedding Children's Rights in Scotland: Position Statement](#) which set out in detail progress made in further embedding children's rights across Scotland.

Layout of Report and Next Steps

This report provides the Scottish Government's initial response to the [UN Committee's Concluding Observations](#). It should be read alongside the [Embedding Children's Rights in Scotland: Position Statement](#), published in November 2022.

Where relevant, this Report will include an update on steps taken since the publication of the Position Statement and possible next steps.

The document will follow the layout of the Concluding Observations, and the established format for reporting to the UN Committee, with individual chapters reflecting the cluster groupings of the articles of the UNCRC as follows:

- **Chapter 1 - General Measures of Implementation** – focuses on the structures and resources to implement the UNCRC.
- **Chapter 2 - General Principles** - focuses on upholding the four general principles of the UNCRC: the rights to be applied without discrimination; the best interests of the child to be a primary consideration; the right to life, survival, and development; and respect for the views of the child.
- **Chapter 3 – Civil Rights and Freedoms** - focuses on children’s civil rights and freedoms, including children’s right to move freely in public spaces, to access information and to privacy.
- **Chapter 4 – Violence Against Children** - focuses on preventing violence against children including abuse and neglect and the right not to be subjected to inhuman or degrading treatment or punishment.
- **Chapter 5 – Family Environment and Alternative Care** - focuses on the needs of children within families and the care system.
- **Chapter 6 – Basic Health and Wellbeing** focuses on the basic health and welfare of all children and young people and the consideration of the rights of disabled children.
- **Chapter 7 – Education, Leisure, and Cultural Activities** - focuses on the right of all children to an education that will help them to achieve their potential, without discrimination; the right to play and leisure and to participate in cultural life and the arts.
- **Chapters 8 and 9 – Special Protections and Optional Protocols** focus on rights for children and young people who require special protection.

The Concluding Observations specifically identified six priority areas for action:

- non-discrimination;
- abuse, neglect, and sexual exploitation and abuse;
- children deprived of a family environment;
- mental health;
- asylum-seeking, refugee and migrant children; and
- child justice.

This report includes a range of actions relevant to these priority areas.

The report will inform the ongoing discussions the Scottish Government is having with key stakeholders across policy areas as we take forward the Concluding Observations ahead of the next dialogue session with the UN Committee, which is due to take place in around 2030. We look forward to our engagement with children and young people, civil society, and public authorities as we advance children's human rights in Scotland.

The next update from the Scottish Government on the Concluding Observations will be published in 2026, approximately half-way through the next UN Committee reporting cycle.

1. General Measures of Implementation

1.1 Sustainable Development Goals

No	UN Concluding Observation
6	<ul style="list-style-type: none">• Ensure the realization of children’s rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development.• Ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children

Relevant section of Scottish Government’s November 2022 Position Statement

- Section iv - Children’s Rights in Scotland

Progress since November 2022

In 2015, in signalling its commitment to the [UN Sustainable Development Goals](#) (SDGs), the Scottish Government made a dual commitment to tackle poverty and inequality at home in Scotland and to help developing countries grow in a fair and sustainable manner. All of Scotland’s international development work now contributes to sustainable development and the fight against poverty, injustice, and inequality internationally, within the framework of the SDGs (see section 1.12 of this report).

Scotland’s [National Performance Framework](#) (NPF) integrates the SDGs alongside our National Outcomes and is an important part of Scotland’s localisation of the SDGs agenda. Children’s rights, within the broader context of human rights, are at the heart of the NPF which tracks progress towards delivery of the National Outcomes through the 81 National Indicators. Seven of the indicators focus specifically on outcomes for children and young people, including in relation to children’s social and physical development; wellbeing and happiness; and voices.¹

The [Community Empowerment \(Scotland\) Act 2015](#) requires the National Outcomes to be reviewed every five years. The statutory review, which commenced in 2023, will consider changes to the NPF, including the Outcomes and Indicators. As part of the review process, engagement has been carried out with the Scottish Youth Parliament and the Children’s Parliament. This engagement covered all the National Outcomes, not only those most directly relevant to children and young people.

¹ The seven indicators which focus specifically on outcomes for children and young people are: [Child social and physical development](#), [Child wellbeing and happiness](#), [Children’s voices](#), [Healthy start](#), [Quality of children’s services](#), [Children have positive relationships](#), [Child material deprivation](#).

Next Steps

- The Statutory review of the NPF is expected to conclude in 2024.

1.2 UNCRC (Incorporation)(Scotland) Act

No	UN Concluding Observation
8b	Expediently bring forward the amendments necessary to enact the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill in Scotland.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 2.4 – The UNCRC (Incorporation)(Scotland) Bill

Progress since November 2022

The United Nations Convention on the Rights of the Child (Incorporation)(Scotland) Act (UNCRC Act) was unanimously approved at Reconsideration Stage by Scottish Parliament on 7 December 2023 and received Royal Assent on 16 January 2024. This Act requires public authorities to not act incompatibly with the UNCRC requirements as defined in the Act, and its passage marks a significant advancement in the legal protection of children's rights.

The Act incorporates the UNCRC and Optional Protocols 1 and 2 directly into Scots law subject to the limits of devolved competence. The UNCRC Bill was originally unanimously passed by the Scottish Parliament in March 2021. However, certain provisions in the Bill were referred to the Supreme Court by the UK Law Officers, before Royal Assent. In October 2021, the Supreme Court judged that section 6 (relating to the compatibility duty) and sections 19, 20 and 21 (relating to the interpretative obligation, strike down power and incompatibility declarator power) were outwith the legislative competence of the Scottish Parliament. This was an area of the devolution settlement that had not been previously tested in the courts.

The delay to bringing the UNCRC Bill back to Parliament for reconsideration had largely been due to the need to give careful consideration to whether the compatibility duty can apply when public authorities are delivering services under an Act of the UK Parliament in devolved areas. Legal issues around the Bill were complex, and consideration of these issues took longer than hoped.

In drafting amendments to the compatibility duty, we sought to balance three important considerations: protecting children's rights to the maximum effective extent possible; minimising the risk of another Supreme Court referral; and making the law as accessible as possible for users. We reached the conclusion that the maximum effective coverage for children's rights is for the compatibility duty to apply only when a public authority is delivering devolved functions conferred by or under Acts of the Scottish Parliament or common law powers. This means that functions conferred by Acts of the UK Parliament, even in devolved areas, will not be subject to the compatibility duty. The duty to read and give effect to legislation in a way that is compatible with the UNCRC requirements and the power to strike down incompatible legislation or to issue an incompatibility declarator will apply only in relation to legislation originating from the Scottish Parliament.

This is a disappointing loss of coverage, compared with what we originally hoped to achieve. However, even with these changes, the Bill remains an important step forward. It will provide legal protection for children’s rights that is not currently available in Scotland, or in any other part of the UK. Key stakeholders were content with our rationale for limiting the compatibility duty to services delivered under powers from the Scottish Parliament.

The [Programme for Government](#) (September 2023) committed to bringing back the UNCRC Bill for reconsideration. That commitment was fulfilled on 14 September 2023, when Parliament passed the motion to reconsider the Bill. The Equalities, Human Rights and Civil Justice Committee heard evidence on the amended Bill from stakeholders on 31 October 2023 and the Cabinet Secretary for Social Justice on 7 November 2023. The Committee published its [recommendations and conclusions](#) on 17 November 2023 in which it confirmed that it was satisfied that the Scottish Government had explored all realistic alternatives and was content with the approach taken to amending the Bill. The [Scottish Government’s response](#) to the recommendations was published on 28 November 2023. On 7 December 2023, the amendments to the Bill were debated, voted on, and accepted by Parliament, and the Bill approved. The Bill received Royal Assent on 16 January 2024 and the duties under the Act will commence on the 16 July 2024.

We will consider whether we can bring some provisions within Acts of the UK Parliament in devolved areas into the scope of the compatibility duty in the UNCRC Act by being legislated for in new Acts of the Scottish Parliament. We will do this by commissioning a review of legislation to identify any provisions in these Acts that impact on children's rights to the extent that it would be worth bringing them into scope in this way. Any review to identify such provisions would take time to complete and any legislative change would need to be paced in a way that manages pressure on Parliament’s legislative programme. We would also need to consider how such statutory functions could safely and appropriately be ‘lifted’ from existing statutory frameworks and provided for in separate legislation.

Next Steps

- The Bill duties under the Act will commence on the 16 July 2024.
- We will commission a review of provisions in UK Acts in devolved areas to identify any that impact on children’s rights to the extent that it may be worth recommending that they be legislated for in new Acts of the Scottish Parliament.

1.3 Scottish Government Human Rights Bill

No	Concluding Observation
8c	Reconsider its decision to replace the Human Rights Act and ensure that any revision to the Act protects all the rights of the child in the Convention, provides effective judicial remedies, ensures a child rights-based approach, and follows transparent and participatory processes, including by ensuring the meaningful participation of civil society and children and publishing the impact assessment of the Bill of Rights.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 2.2 – UK Government review the Human Rights Act 1998.

Progress since November 2022

The Scottish Government highlighted its continuing support for the Human Rights Act 1998 in its [Embedding Children's Rights in Scotland: Position Statement](#), published November 2022. The UK Bill of Rights Bill encountered significant cross-party opposition and failed to make progress beyond First Reading in the House of Commons. It was subsequently withdrawn in June 2023 and no longer forms part of the UK Government's legislative programme. Provisions which have a similar legal effect (in disapplying section 3 of the Human Rights Act 1998) have, however, appeared in other UK Government legislation: the [Illegal Migration Act 2023](#). The Scottish Government has made clear its opposition to such measures.

Scottish Human Rights Bill

Following the recommendations of the [National Taskforce for Human Rights Leadership](#) for a new human rights framework for Scotland, the Scottish Government has committed to bring forward a new Human Rights Bill in the current parliamentary session (2021-26). The Bill will incorporate into Scots law the following human rights treaties within the limits of devolved competence:

- the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); and
- the Convention on the Rights of Persons with Disabilities (CRPD).

Incorporation of the above international human rights standards will enhance the status of these human rights treaties within Scots law and help to ensure that everyone is treated with fairness and dignity. The Bill will also include and recognise the right to a healthy environment.

In developing proposals for the Bill, the Scottish Government has benefited from engagement and constructive input of rights holders through our Human Rights Lived Experience Board, which included children and young people. Their contribution marks a significant milestone on an important journey the Scottish Government is taking to ensure that we are listening better, and listening earlier, to the views of children and young people in our work to develop policies and legislation.

Next Steps

- A Scottish Government [consultation on proposals for a new Human Rights Bill](#) for Scotland ran for 16 weeks from 15 June to 5 October 2023. Almost 400 responses to the consultation were received. The Scottish Government engaged widely on the proposals with members of the public across Scotland, as well as

civil society organisations and academics. [An independent analysis](#) of the consultation responses was published on 24 January 2024.

- Over 2023-24, the Lived Experience Board is continuing to inform the development of the Bill with the views of people with lived experience of facing human rights barriers and will continue to include input from children and young people. We have also continued to engage with a wide range of stakeholders including rights advocacy groups, civil society, public sector bodies, the legal sector, and academics with expertise in human rights, including the rights of children and young people.
- The Human Rights Bill will be introduced to the Scottish Parliament during the 2023-24 parliamentary year. This will be a significant landmark in Scotland's human rights journey, building on past work to embed a human rights culture across Scotland.

1.4 UK Withdrawal from the European Union (EU)

No	UN Concluding Observation
8(f)	Assess the impact of the State party's withdrawal from the European Union on the enjoyment of children's rights.

Relevant section of Scottish Government's November 2022 Position Statement

- 2.1 – UK withdrawal from the EU

Scottish Government Position

In June 2023, the Scottish Government published the [Brexit and Scotland: June 2023 Update](#), a revised assessment of how Scotland has been impacted by the UK's withdrawal from the EU. The assessment highlights the diminished opportunities for Scotland's young people as a consequence of Brexit.

The Scottish Government is committed to addressing one of the most damaging consequences of Brexit for our universities and colleges – the fact that UK students can no longer participate in [Erasmus+](#), the EU's programme to support education, training, youth and sport in Europe. This programme was highlighted by the Children and Young People's Panel on Europe in their report, [Listen to Us](#) (2019).²

The Scottish Government considers the UK Government replacement, the [Turing Scheme](#), to be much less effective than Erasmus+, in that it assists fewer students, does not support staff, and does not enable overseas students to come to Scotland. We are working with the UK Government and stakeholders on the shortfalls of the Turing Scheme and ways to address these.

² In 2018, the Scottish Government provided funding to [Children in Scotland](#) to enable them to set up a Children and Young People's Panel on Europe. This was delivered in partnership with Together (Scottish Alliance for Children's Rights).

Next Steps

Erasmus+

- In 2023-24, the Scottish Government will fund a test and learn project to re-establish some of the opportunities Erasmus+ provided, which the Turing Scheme does not, in particular, to encourage the development of partnerships between institutions that could enable staff and inward exchanges funded by the reciprocal countries.
- In 2024-25, we will build on our initial test and learn project to develop the Scottish Education Exchange Programme. This will further demonstrate our commitment to EU and global partnerships with schools, colleges, and universities. We will prioritise placements on the programme for disadvantaged groups.

1.5 Comprehensive Policy & Strategy and Coordination

No	UN Concluding Observation
9a	Develop and adopt comprehensive policies and action plans on the implementation of the Convention, with the participation of children, in all jurisdictions of the State party that encompass all areas covered by the Convention and include specific time-bound and measurable goals.
9b	Ensure the effective implementation of policies and action plans on children, and ensure that they are supported by sufficient human, technical and financial resources.
9c	Ensure that the action plans include a special focus on children in disadvantaged situations, including asylum-seeking, refugee and migrant children, children belonging to minority groups, children with disabilities, children in care, lesbian, gay, bisexual, transgender and intersex children, socioeconomically disadvantaged children and so-called “young carers” or children with caregiver responsibilities.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 2.4 – UNCRC (Incorporation)(Scotland) Bill.
- Section 2.5 – Existing Reporting Duties under the Children & Young People (Scotland) Act 2014.
- Policy specific action plans and other relevant initiatives for taking forward children’s rights are cited throughout the Position Statement.

Scottish Government Position

Part 1 of the [Children and Young People \(Scotland\) Act 2014](#) (2014 Act) currently requires Ministers to report to the Scottish Parliament every three years on relevant progress in taking forward children’s rights and their plans for the subsequent three year period. In line with these duties, the three year Report and Action Plan, [Progressing the Human Rights of Children in Scotland](#), were laid before the Scottish Parliament in November 2021. Children and young people were consulted on the content of the Plan.

The Action Plan included a number of strategic priorities to support the implementation of the UNCRC across Scotland, including actions to: incorporate the UNCRC into Scots law; further encourage and guide the use of Child Rights and Wellbeing Impact Assessments in policy development; help empower children and young people to claim their rights; and further embed children's rights in public services. The Scottish Government's Programme for Government 2021 included a commitment to invest £4 million per year until March 2024, to support public services to consistently uphold children's rights.

Children's Rights Scheme

As discussed at section 1.2 of this report, the revised UNCRC Bill was returned to the Scottish Parliament for reconsideration on 14 September 2023, approved by Parliament on 7 December and received Royal Assent on 16 January 2024. The Act, once provisions commence, requires Scottish Ministers to create a Children's Rights Scheme setting out the arrangements they have, or will have, in place to comply with the duties contained in the Act and also to secure better or further effect of the rights of the child. The Scheme would need to include, for example, arrangements for the Scottish Ministers to:

- Ensure that children are able to participate in the making of decisions that affect them, with access to such support and representation (for example from children's advocacy services) as they require to do so.
- Identify and address any situation where a child's rights are (or are at a significant risk of) not being fulfilled.
- Raise awareness of and promote the rights of children.
- Promote complaints handling procedures that children can understand and use.
- Ensure that children have effective access to justice.
- Consider the rights of children in the Scottish Government's budget process.

The Act requires Ministers to report on the Scheme regularly, including actions taken in the previous reporting period and plans for taking forward children's rights in the reporting period ahead. The provisions in the Act also require Ministers to seek children's views on actions to be taken forward under the Scheme.

Policy-specific action plans for taking forward children's rights

Responsibility for taking forward children's rights is mainstreamed across all areas of the Scottish Government. The principles of the Convention are, therefore, taken into account in the development of relevant Scottish Government policies, strategic frameworks, actions plans and other initiatives. These are cited throughout the Position Statement, [Embedding Children's Rights in Scotland](#), which was published in November 2022. This includes initiatives to further support asylum-seeking, refugee and migrant children, children belonging to minority groups, children with disabilities, children in care, lesbian, gay, bisexual, transgender and intersex children, socioeconomically disadvantaged children, and young carers. Where relevant, the Position Statement also includes information on the resources supporting the implementation of policy specific initiatives and the consultation that has been undertaken with children and young people on these.

The Scottish Government also continues to promote the use of the CRWIA in the development of policy (see section 2.6 of the Position Statement). The views of children and young people are integral to the CRWIA process.

Next Steps

- Scottish Ministers will launch a public consultation on the draft Children’s Rights Scheme by the summer of 2024.
- An End of Plan Report on the Progressing the Human Rights of Children in Scotland Action Plan 2021-24 will be published in autumn 2024.
- Policy areas across the Scottish Government will continue to take forward policy specific initiatives relevant to children’s rights as required.

1.6 Coordination of Activity to Support Children’s Rights

No	UN Concluding Observation
10	Establish structures, such as a ministerial lead at the national level with corresponding structures in the devolved administrations and territories, responsible for ensuring the effective monitoring and coordination of all activities related to the implementation of the Convention across all sectors and at all levels.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 2.7 – Coordination and Strategic Governance of Children’s Rights in Scotland.

Scottish Government Position

The Scottish Government’s policy prospectus, [Equality, Opportunity, Community: New leadership - A Fresh Start](#) (April 2023), sets out the First Minister’s vision for Scotland and the outcomes Scottish Ministers aim to achieve by 2026. The prospectus reaffirms Ministers’ commitment to embedding equality, inclusion, and human rights, including children’s rights, across everything the Government does, within Scotland’s devolved powers. This cross-government approach was also reflected in Ministers’ [Programme for Government](#) (September 2023), which included commitments to introduce to the Scottish Parliament a Scottish Human Rights Bill in the 2023-24 parliamentary year (see section 1.3); and invite the Scottish Parliament to bring back the UNCRC Bill for reconsideration (see section 1.2).

Since 2007, Scotland has had a minister with specific responsibilities for overseeing progress in relation to the rights of the child. Natalie Don, MSP, is the current Minister for Children, Young People and Keeping the Promise. The Scottish Government’s Children’s Rights Unit (CRU) continues to coordinate and report on progress made across all areas of the Scottish Government in relation to children’s rights. The CRU engages with UK Government officials on relevant UK-wide matters relating to the Convention.

Children’s Rights Scheme

Once the duties under the UNCRC Act commence, Scottish Ministers are required to create a Children’s Rights Scheme, setting out the arrangements they have, or which are to be put in place, to comply with the duties contained in the Act and to secure better or further effect of the rights of the child. The Children’s Rights Scheme, which is an important part of the framework for supporting and promoting children’s rights, is discussed at section 1.5 of this report.

Next Steps

- The Children’s Rights Unit will continue to coordinate and report on progress made across the Scottish Government in taking forward Scottish Ministers’ ambitions in relation to children’s rights.
- The Scottish Government will continue to liaise regularly with the UK Government and devolved administrations in taking forward the UN Committee’s Concluding Observations as required and in the sharing of best practice.

1.7 Allocation of Resources

No	UN Concluding Observations
11	Incorporate a child rights-based approach into the State budgeting process in all jurisdictions of the State party.
11a	Implement a tracking system for the allocation, use and monitoring of resources for children, with a view to eliminating disparities and ensuring equitability, and assess how investments in all sectors serve the best interests of children.
11b	Introduce budgetary allocations for children in disadvantaged situations and ensure that children are not affected by austerity measures
11c	Ensure that in situations of economic crisis, regressive measures are not taken without the requirements stated in paragraph 31 of general comment No. 19 on public budgeting for the realization of children’s rights, including that children participate in the decision-making process related to such measures.
11e	Ensure transparent and participatory budgeting in which civil society, the public and children can participate effectively

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 2.12 - Consideration of Children and Young People in Budgetary Processes
- Section 2.13 - Participatory Budgeting

Scottish Government Position

The Scottish Government, with the Scottish Parliament, continue to have well established Budget setting and scrutiny arrangements that aim to ensure that decisions about revenue and capital expenditure and income are informed by both Ministers’ statutory responsibilities and key delivery priorities and outcomes. The Scottish Government publishes an Equality and Fairer Scotland Budget Statement

each year alongside its draft Budget for the year ahead. This document examines the impact of budgetary decisions across protected characteristics. The annual report on child poverty also provides an assessment of progress against targets and tracks budgets targeted at families on a low income (see section 6.13).

Once the UNCRC Act duties commence on 16 July 2024, Scottish Ministers are required to create a Children's Rights Scheme which would include the arrangements they have, or which are to be put in place, to consider the rights of children in the Scottish Government's budget process. Section 17 of the UNCRC Act would also require the Scottish Government and Executive Agencies to use Child Rights and Wellbeing Impact Assessments to inform strategic decision-making, including budget decisions.

In May 2022, the Scottish Government established a new Centre of Expertise in Equality and Human Rights (the Centre) to embed equality and human rights within economic policy-making and implementation. The Centre is working with external experts to build capacity, skills, and knowledge among economic policy officials. It shares good practice across Scottish Government economy directorates through an internal policy network and has arranged delivery of training sessions to officials on equality, human rights, and the Fairer Scotland Duty, as well as a series of externally-provided training sessions on gender and the economy.

In 2022, the Centre coordinated the production of [Equality Impact Assessments](#) for the National Strategy for Economic Transformation (NSET) and for each of the Strategy's six programmes individually. In November 2023, the Centre held a thematic session on gender equality with stakeholders to inform the ongoing implementation and future delivery of NSET, with relevant themes including childcare and child poverty. In 2024, the Centre plans to deliver training on children's rights and Child Rights and Wellbeing Impact Assessments, tailored to economic policy officials.

Participatory Budgeting

Participatory Budgeting (PB) is a globally recognised democratic tool, which enables local people, including civil society, the public and children, to have a direct say on how public money is spent. The Scottish Government supports PB as a tool for community empowerment, which helps to build on the wider development of participatory democracy in Scotland.

The Scottish Government continues to provide support for PB through the National PB Support Programme, which is delivered in partnership with local authorities, communities and third sector organisations. The Programme supports PB across cross-cutting policy areas including health and wellbeing, climate change, and education. PB is discussed further at section 2.13 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022).

Next Steps

- Work is ongoing to draft the first Children’s Rights Scheme (CRS) for public consultation in the summer of 2024. The CRS will include arrangements for considering children’s rights within the Scottish Government budget process.
- The National Participatory Budgeting Strategic Group is supporting the implementation of PB and building capacity across Scotland to ensure best possible practice. The Group has developed a PB Strategic Framework with a particular focus on health and wellbeing, education, housing, and climate justice guided by the Framework’s indicators for success.

1.8 Data Collection

No	UN Concluding Observation
12a	Strengthen its data-collection system with regard to both qualitative and quantitative indicators that encompasses all areas of the Convention and ensure that the data are disaggregated by age, sex, disability, geographical location, ethnic origin, nationality and socioeconomic background.
12b	Improve the collection and analysis of data on violence against children, mental health, food insecurity, malnutrition, education and the situation of children in disadvantaged situations, including children in alternative care, children with disabilities, asylum-seeking and migrant children, and children of incarcerated parents.
12c	Regularly collect, analyse and publish disaggregated data on the use of stop-and-search checks, harmful devices, seclusion, restraint, solitary confinement and isolation on children;
12e	Ensure that the data are shared among devolved administrations as well as among relevant ministries, professional groups and civil society and used for the evaluation of policies and projects on children’s rights.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 2.11

Progress since November 2022

The Scottish Government is committed to improving the evidence base, both qualitative and quantitative, on children and young people, to understand their life experiences and to develop, monitor and evaluate policy designed to improve their wellbeing and promote their rights. Since November 2022 and the publication of the [Embedding Children’s Rights in Scotland: Position Statement](#), Scottish Government and key partners have made progress on this data improvement aim. Key areas of progress and data development, analysis, and dissemination, relevant to recommendations 12a, b, c, and e, are highlighted below. See also information on the ongoing and planned monitoring and evaluation of a range of pilots, policies, and other initiatives throughout this document. Future updates will highlight additional plans to respond to the data improvement recommendations and further progress on meeting them.

Equalities data

In April 2021, the Scottish Government launched its Equality Data Improvement Programme (EDIP) to take action to make intersectional equality data and evidence, including that relating to children and young people, more wide-ranging and robust, enabling policy makers to develop sound, inclusive policy. As part of this, the Scottish Government's [Equality Evidence Strategy 2023-2025](#) was published in March 2023. The Strategy sets out an approach to improving and strengthening Scotland's intersectional equality evidence base over a three-year period to the end of 2025, including 45 actions identified by the Scottish Government and National Records of Scotland across a number of key themes. Included in this are actions to take forward improvements to the Looked After Children, Child Protection, Growing Up in Scotland (GUS) and School Leaver Attainment datasets – all key children and young people data sources. A network of Scottish Government analysts was established to take forward and provide regular reporting on all of these actions. This work is overseen by a Project Board, co-chaired by Scotland's Chief Statistician and Chief Social Researcher, which meets quarterly to discuss progress.

Wellbeing data

Scotland's [Children, Young People and Families Outcomes Framework \(CYPF OF\)](#) (see section 2.4) has been developed to provide an overarching understanding of children and young people's wellbeing in Scotland. The CYPF Outcomes Framework has children's rights at its core and is consistent with international definitions of child wellbeing. The Framework provides a structured approach through which Scottish Government and public and third sector partners are taking steps to enhance collective accountability for improving outcomes for children, young people, and families. The Framework includes a set of Core Wellbeing Indicators – 21 high-level measures provide a high-level overview of the current status of wellbeing of children, young people, and families in Scotland. Indicators are drawn from administrative and survey sources, which provide data at both national and local level, and include measures of the views and experiences of children and young people themselves. As highlighted above (section 2.4), in September 2023 a [Core Wellbeing Indicators - Analysis](#) report was published, which presents headline national findings, key socio-demographic breakdowns and time series data where available, based on the set of 21 indicators. The report draws together the previously published indicators in one place for the first time. It also contains a systematic analysis by all available socio-demographic variables, including age; sex; additional support needs; long term illness or disability; Scottish Index of Multiple Deprivation; urban-rural; ethnicity; and care experience (though not all indicators are available by all socio-demographic characteristics). The report establishes an initial baseline, against which progress can be measured in future years, and provides a benchmark national picture of the current status of wellbeing of children, young people, and families in Scotland.

A first Health and Wellbeing Census ([2021-22](#)) of school aged children and young people (primary 5 – secondary 6 in publicly funded schools) was published in February 2023. The Census covers a wide range of topics, including mental and emotional wellbeing; general health; confidence and resilience; attitudes to school and future aspirations; physical activity; eating behaviours; sleep patterns; social media use; relationships; bullying; substance use (S2 upwards); and sexual health (S4 upwards). These were analysed by sex, school stage, area deprivation (Scottish

Index of Multiple Deprivation), local authority, urban rural classification, ethnic group, additional support needs, caring responsibilities, and long-term health conditions. Further analysis is possible by a range of equality socio-demographic characteristics collected in the Pupil Census, including disability, English as a second language, and free school meals. Further analysis is also possible by linking this data to data gathered in the looked after children data collection.

Since November 2022, the [Growing Up in Scotland](#) (GUS) Sweep 11 survey of young people aged 17-18 has been completed. This has included questions on a wide range of topics such as health, political attitudes, civic participation, post-school destinations, career choices, gender identity and sexual orientation. Growing Up in Scotland is a Scottish Government-funded longitudinal research study, tracking the lives of thousands of young people and their families from the early years through childhood and now as they move into adulthood. GUS provides a free data resource for anyone carrying out research into the lives of children and their families in Scotland. Data is used by academics and other researchers, politicians, policy makers, charities and lobbying organisations, Health Boards, and education organisations.

As of 2023, Growing up in Scotland (GUS) data is being ingested into the ADR-S (Administrative Data Research Scotland) infrastructure. ADR-S is a public sector partnership led by the Scottish Government and the Scottish Centre for Administrative Data Research (SCADR) and is part of the ADR-UK (Administrative Data Research UK) partnership, which includes all four countries of the UK. ADR-S will hold linkable datasets in a secure environment on a long-term basis, on behalf of data controllers. This will reduce the time and effort required by data controllers, data processors and researchers to provide and access data. It is anticipated that this initiative will help to promote the use of data linkage of different datasets, including survey data and administrative data. A key aim of including GUS is to promote this activity for data relating to children and young people, further adding to the evidence base on their lives and experiences in Scotland.

Care experience data

A range of statistical data improvement activity relating to care experienced children and young people is ongoing. Existing data on children in care or previously in care has already been utilised to introduce new analysis of care-experienced children in Official Statistics. This improves the previous approach whereby statistics focused largely on children currently in care, or in care in the last year (and therefore included in the most recent data collected). New statistics on the [Education Outcomes for Looked After Children 2021-22](#) published in August 2023, for instance, introduced new categories of care experience, translating to children with some experience in care since beginning primary school, or since beginning secondary school. These experimental statistics will be further developed following user feedback in time for future statistical publications.

Next Steps

- We will continue to review existing data availability in relation to children's rights, to further consider recommendations 12a, b, c, and e above, and develop our plans for meeting key data gaps.
- As part of the next stages of the Core Wellbeing Indicators work, we are mapping the wider data landscape around the core indicators, including indicator sets and datasets relating to specific groups of children and young people (e.g., those who are care experienced, those in contact with the child protection system) and specific policy areas (e.g., child poverty, mental health, early years). This will help to identify data gaps, as well as enable a more holistic understanding of the evidence base around outcomes for children and young people to inform decision-making on policy development and strategic planning and delivery of services and supports to improve outcomes for children, young people, and families.
- Headline findings from the latest sweep of Growing up in Scotland will be published in 2024. Findings will be disaggregated by a range of socio-demographical characteristics.
- Scottish Government will report on progress made towards achieving the equalities data actions set out above in an interim progress report in 2024 and again following the conclusion of the Equality Evidence Strategy 2023-2025.
- Further to the publication of the Promise Implementation Plan in March 2022, which sets out the Scottish Government's actions and commitments to Keep the Promise for care experienced children, young people and their families (see section 5.4), we are working across government to connect the key policy and activities that will support our contribution to help to Keep the Promise. A key part of this will be to improve the data gathered for the care experienced population (both children and adults), to better understand needs and ensure that we are best informed to work to improve outcomes. Partnership working is key across the public and third sector. The Scottish Government is working closely with local government on how progress across Scotland can be best monitored and reported and with key partners including health and justice to jointly agree on a mixture of key qualitative and quantitative outcomes and indicators that will allow the story of change to be demonstrated.
- Developments in children's social work data collection included in 2023-24 data currently being recorded will lead to future improvements in our key statistical data relating to children in care and those on the child protection register, including to enable more detailed geographic breakdowns. New data on sibling relationships, enabling analysis of the numbers of siblings placed together or separated at some stage in care or prior to entering care will also become available. Statistics based on this new data will be published in spring 2025. In addition, the introduction of an identifier for unaccompanied asylum-seeking children (UASC) the following year in the individual-level looked after children national data collection from 2024-25 will enable granular analysis (by age and sex and geography, for example) showing overall numbers of UASC, numbers

entering or leaving care, types of accommodation, duration in care and destinations upon leaving care. This will enable statistics to be published in spring 2026.

- Improvements to data on care leavers to better understand provision of continuing care and aftercare support for those young people aged 16 and over are also in place to take effect from 2023-24, for statistics published in spring 2025. This includes detail on the levels of aftercare support provided, and durations of time in continuing care placements for young people who remained in their placement after ceasing to be looked after. As above, geographic/area deprivation analysis and other more granular disaggregation will be possible with this data.

1.9 Independent Monitoring of Children’s Rights in Scotland

No	UN Concluding Observation
13a	Ensure that the national human rights institutions and/or Children’s Commissioners, as relevant, have the mandate and sufficient human, financial and technical resources to monitor children’s rights and to receive, investigate and address complaints by children in a child-friendly manner
13b	Continue to ensure the full compliance of all such institutions with the Paris Principles, including regarding their funding and selection and appointment processes.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section v - Independent Monitoring of Children’s Rights in Scotland.
- Section 2.4 - UNCRC (Incorporation)(Scotland) Bill

Scottish Government Position

Scottish Human Rights Commission

The Scottish Human Rights Commission (SHRC) is an independent public body, accountable to the people of Scotland through the Scottish Parliament. The SHRC’s full duties and powers are set out in the [Scottish Commission for Human Rights Act 2006](#) (2006 Act). The Commission receives its annual budget from the Scottish Parliamentary Corporate Body.

Since 2010, the SHRC has been rated at the top grade of international accreditation as a National Human Rights Institution (NHRI). This “A Status” from the Global Alliance of NHRIs and the United Nations Office of the High Commissioner for Human Rights recognises the Commission’s independence, authority, and broad statutory mandate to promote and protect human rights for all.

Section 12 of the UNCRC Act amends the 2006 Act to give the SHRC powers to intervene in proceedings in which a person claims that a public authority has acted or proposes to act in a way that is unlawful under the compatibility duty in the UNCRC Act. The Act also gives the SHRC the power to bring proceedings in its own right for breach of the UNCRC requirements.

Commissioner for Children and Young People in Scotland

The [Commissioner for Children and Young People \(Scotland\) Act 2003](#) (2003 Act) established the role of Commissioner for Children and Young People in Scotland. The Scottish Parliament appoints the Commissioner, and the Parliamentary Corporate Body sets the terms of the Commissioner's appointment, including the allocation of resources. The Commissioner operates independently of Scottish Ministers. The Commissioner's work is guided by the UN Paris Principles.

The 2003 Act provides for the Commissioner to undertake investigations in respect of how service providers have regard to the rights, interests, and views of groups of children and young people in making decisions or taking actions that affect them. Provisions in the [Children and Young People \(Scotland\) Act 2014](#) build on this by empowering the Commissioner to conduct such investigations on behalf of individual children.

Section 11 of the UNCRC Act amends the 2003 Act to give the Children's Commissioner powers to intervene in proceedings in which a person claims that a public authority has acted or proposes to act in a way that is unlawful under the compatibility duty in the Act. The Act also gives the Children's Commissioner the power to bring proceedings in their own right for breach of the UNCRC requirements. The Scottish Parliament unanimously approved a reconsidered UNCRC (Incorporation) (Scotland) Bill on 7 December 2023. The Bill received Royal Assent on 16 January 2024 and the provisions will commence on 16 July 2024.

Human Rights Bill

In light of proposals for a new Human Rights Bill, the Scottish Government wants to strengthen the role of the SHRC so that it can continue to play a key role in protecting and realising human rights in Scotland. We therefore sought views in the recent [Human Rights Bill public consultation](#) on strengthening the powers of the SHRC to include being able to bring or intervene in civil proceedings under the Bill; and in relation to an investigatory power to tackle systemic issues relating to the rights in the Bill (relating to civil matters). We are also considering new powers for the Children and Young People's Commissioner Scotland so that they are able to fulfil their duty of protecting and promoting children's rights in Scotland under the Human Rights Bill.

Next Steps

- See sections 1.2 and 1.3 in relation to the UNCRC Act and the Human Rights Bill respectively.

1.10 Raising Awareness of Children's Rights

No	UN Concluding Observation
14a	Adopt a national strategy for awareness-raising of children's rights among the public, and promote the active involvement of children in public outreach activities.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 2.9 – Raising Awareness of Children's Rights

Progress since November 2022

Section 1(3) of the [Children and Young People \(Scotland\) Act 2014](#) currently places a duty on Scottish Ministers to promote public awareness and understanding of children's rights, including amongst children. Provisions in the UNCRC Act, which was approved by Scottish Parliament on 7 December 2023 and received Royal assent on 16 January 2024, incorporate into Scots law Article 42 of the UNCRC once the duties commence. This Article provides for States parties to make the principles and provisions of the Convention widely known amongst adults and children.

The Scottish Government is continuing to co-create a national programme of awareness raising activities with and for children and young people as well as parents, carers, and families. The purpose is to ensure they are aware of and understand the UNCRC, and to support them to be rights defenders. The programme has, thus far, adopted universal messaging and taken a broad approach. In 2024, it will take a more targeted approach to ensure that children who are experiencing multiple challenges and their families are reached. The Scottish Government's UNCRC Awareness Raising Network, made up of organisations working closely with children and young people and parents and families, are supporting the messaging, design, and implementation of the programme.

In November 2022, [Your Guide to Children's Rights, for Parents, Carers and Family Members](#), which was co-created with parents and families, was published on the Parent Club webpage, along with signposting to other relevant information and resources. As of February 2024, there had been 9,216 views of the webpage and 1549 downloads of the booklet. The Guide for Parents, Carers and Families will be updated to reflect the UNCRC being incorporated into Scots law and tested with parents and carers in three focus groups. These will ascertain the impact of the booklet and may lead to further changes. A new version of the Guide will be printed and distributed to parenting and family organisations across Scotland.

We have also continued to raise awareness of the UNCRC amongst children and young people. In May 2022, the Scottish Government announced three years of national funding for UNICEF UK to offer their [Rights Respecting Schools Award](#) (RRSA) programme to all 2,400 state primary and secondary schools in Scotland. Prior to this national funding, the costs of participation were met locally by schools and local authorities. UNICEF UK works with schools across the country to embed children's rights in a school's ethos, raise awareness of the UNCRC and increase understanding of children's rights. In May 2022, prior to the national funding, 57% of schools had signed up to the RRSA programme, that figure has increased to 77% in January 2024, with 421 new schools registering and a total of 748 achieving either a silver or gold award.

In November 2022, the Scottish Government worked with Scotland's national youth agency, Young Scot, to co-create a children's rights awareness raising social media campaign by and for young people. The campaign had over 300,000 viewings of videos made by young people over the eight days it ran.

The Scottish Government’s awareness raising programme will focus on the following four key areas identified by the Scottish Government’s UNCRC Awareness Raising Network:

- I know about my rights, and I know how they are relevant to my life.
- I know what to do if my rights are not upheld and respected.
- It’s not just up to me, it’s the responsibility of adults to make sure my rights are respected.
- I have the right to be listened to and my opinions taken into account by those adults. When they are making a decision about my life, they must make it in my best interests and explain it all to me.

Next Steps

- In 2024, the National Awareness Raising Programme will continue to be delivered, focusing on children and young people who are experiencing multiple challenges and their parents, carers, and families.
- The Rights Respecting Schools Programme will continue to be funded by the Scottish Government until March 2025.
- In 2024-25, the Scottish Government will continue to fund key children’s rights organisations (Together, Scottish Youth Parliament, Children’s Parliament, Young Scot, and Article 12) to lead awareness raising activities with children and young people.

1.11 Awareness Raising and Training Across the Public Sector

No	UN Concluding Observation
14b	Ensure systematic training on children’s rights, the Convention and the Optional Protocols thereto for all professionals working for and with children, in particular those working in education, social work, law enforcement, immigration and justice.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 2.9 –Awareness Raising and Training Across the Public Sector

Progress since November 2022

The Scottish Government is continuing work to further embed children’s rights and the UNCRC across public services in Scotland, including within the Scottish Government itself. In February 2023, we launched a capacity building programme to raise awareness of children’s rights and the Child Rights and Wellbeing Impact Assessment for civil servants across the Scottish Government and its Executive Agencies. Since introduction, over 200 members of staff have attended the training sessions. An introduction to children’s rights e-learning course was also launched for Scottish Government and its Executive Agency staff in October 2023, to provide a hybrid approach to learning and support wider take up.

The Scottish Government published [non-statutory guidance on taking a children's human rights approach](#) on 8 January 2024. This guidance was issued to provide those involved in public service delivery in Scotland with an introduction to the UNCRC and to support them to implement a children's human rights approach and give effect to children's rights in practice.

The UNCRC Act requires the Scottish Government to issue two sets of statutory guidance, which will seek to promote understanding within public authorities of the requirements of the Act, specifically: Part 2 (Duties on Public Authorities) and Part 3 (Children's Rights Scheme, Child Rights and Wellbeing Impact Assessment and Reporting Duties). The UNCRC Act requires that statutory guidance is subject to consultation with children, the Commissioner for Children and Young People in Scotland, the Scottish Commission for Human Rights, and other people the Scottish Ministers consider appropriate. Scottish Government officials are preparing to undertake consultation to meet these requirements.

Work is also underway to develop a Children's Rights Skills and Knowledge Framework. The Framework will provide a single point from which to easily access new and existing resources and training in relation to children's rights. It is intended to be a flexible and adaptable resource which can be used across a wide range of sectors, providing users with an enhanced understanding of how they can fulfil their duties in relation to the rights of children. This will ensure that strategic, sustainable, and structured support for the implementation of a child rights-based approach is available across the Scottish public authority workforce.

Working closely with stakeholders, including public authorities and children and families, is a key objective for the project. The organisations developing the Framework are working with two groups of co-production partners – a Children and Families Panel and a Professionals Panel.

We are also working with the Improvement Service (IS) to develop and deliver targeted support for local authorities. This partnership is building on existing work and relationships that the IS have with authorities, with a view to influencing and embedding a children's human rights-based approach, particularly in relation to raising awareness, building capacity, and supporting cultural change. As part of this work, IS has developed training and resources for Elected Members and local authorities. The Scottish Government has also supported the IS to update a number of resources to make them applicable to all public authorities. These aim to assist authorities when considering how best to prepare for the commencement of the UNCRC Act and include: [A Guide for Public Services in Scotland on Understanding Children's Human Rights](#); and [Getting Ready for UNCRC Framework](#); a practical resource for public authorities in Scotland to prepare for UNCRC incorporation.

The IS also host a UNCRC Implementation Knowledge Hub. This virtual space is focused on how public bodies are implementing the UNCRC in Scotland. The active membership is using this space to share resources, practice, and information, as well as to highlight events and discuss issues. The Hub also facilitates connections between professionals working on children's rights across sectors.

A Peer Support Network constituted of officers from across all local authorities in Scotland has also been formed to promote the further implementation of a child rights-based approach in the design and delivery of services.

In May 2023, applications were invited for the Scottish Government's Children's Rights Innovation Fund (the Fund). Administered for the Scottish Government by the Corra Foundation, the Fund was developed to provide financial support for innovative approaches to embedding children's rights in public authorities under a broader National Improvement Programme. As well as creating a way for local practice to improve and innovate, the Fund will also enable a community of children's rights practitioners and champions to share good practice, and contribute to a national directory of resources, case studies and support.

In September 2023, [eight projects](#) were approved following an assessment process informed by a panel of young people who recommended the projects they felt would have the most impact. The successful projects include support to a range of groups of children and young people most at risk of not having their rights met.

The Scottish Government has also established a UNCRC Regulation and Improvement Action Group to support regulators to embed child rights considerations into their practice and the practice of the organisations they reach. The Group will assist the Scottish Government to identify and implement practical steps to further embed children's rights within regulatory frameworks and inspection regimes.

Rights Training for Professionals

Section 2.9 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022) included information about training on children's rights provided for relevant professionals, including teachers, healthcare professionals, and the Scottish Prison Service. Training provided for teachers and those working in the Children's Hearings System and justice system and training for social workers on age assessment are discussed at other sections of this report.

The Scottish Government has commissioned the Scottish Social Services Council (SSSC) to work with stakeholders on a review of the [Common Core](#) (2012), which sets out the key skills, knowledge and understanding, and values that everyone should have if they work with children, young people, and their families, whether they are paid or unpaid. There will be a focus in the review to shift the emphasis of the Common Core to values, knowledge and understanding of the children's workforce in Scotland. This is in recognition of the fact that the skills required for all sections of the children's workforce are articulated in detail by the bodies regulating those services.

Next Steps

- The Scottish Government will continue to deliver the UNCRC National Improvement Programme, including supporting public authorities to implement the Children's Rights Skills and Knowledge Framework, sharing learning from the UNCRC Innovation Fund projects, and providing capacity building support for public authorities.

- The reviewed Common Core is due to be launched in 2024.

1.12 International Cooperation

No	UN Concluding Observation
15	The Committee commends the State party for its commitment to meet the internationally agreed target of allocating 0.7 per cent of gross national income to official development assistance. Recalling target 17.2 of the Sustainable Development Goals, the Committee encourages the State party to regain the target as soon as possible and adopt a children’s rights-based approach in respect of its trade agreements and development aid policy and programmes.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 2.15 – International Development

Scottish Government Position

International Development

The State party (UK Government) is under the obligation to meet the internationally agreed target of allocating 0.7% of gross national income to official development assistance (ODA). The Scottish Government has consistently made clear its view that the cut from 0.7% to 0.5% ODA by the UK Government has continued to hit the world’s poorest and most marginal communities at a time of great need.

Like all other parts of the UK, Scotland has always contributed through its taxpayers to the UK Government’s international development work, which is delivered through the Foreign, Commonwealth & Development Office (FCDO) and other UK Government Departments, such as the Ministry of Defence. International relations are reserved to Westminster; however, with agreement of the UK Government, the Scottish Government established its international development footprint from 2005. Our additional International Development work is funded from within the Scottish Government’s own budget.³

In 2020-21, the Scottish Government reviewed its approach to international development, to ensure we are focusing our work on areas where we can make the biggest contribution and difference in our partner countries against the backdrop of COVID-19. One of the key outcomes of the Review was the development of a new set of Scottish Government [International Development Principles](#) (2021). Within those Principles, we committed to an overarching ethos for our work, that “International Solidarity in an interdependent world means embedding a human rights approach in all our work.” Our International Development Principles provide clear commitment to: partner country-led and inclusive development, equality, amplifying Global South voices, and inclusion and diversity. Those Principles have

³ Our ODA spend is included by the UK Government within its overall ODA return to the Organisation for Economic Co-operation and Development (OECD) and is counted by the UK towards its commitment to spend 0.7% of gross national income on ODA.

been adopted across the Scottish Government. We have also committed to taking a feminist approach to our international development work.

We are currently developing new international development programmes with our focus countries, partnering with them to: tackle non-communicable diseases; support inclusive education for those who have additional support needs; and advance the rights of women and girls. Our programming will align with our Scottish Government International Development Principles.

International Trade

Responsibility for the regulation of international trade is reserved to the UK Parliament. However, we scrutinise the UK Government’s proposals for each new Free Trade Agreement (FTA) and assess these against our principles, so that they best serve the interests of Scotland’s economy, people, and the planet. Scotland’s [Vision for Trade](#) (2021) recognises that human rights must be a central consideration in our trade policy. The Scottish Government developed a Human Rights Assessment process to evaluate the human rights record of the UK Government’s prospective FTA partners and produce concrete recommendations on how the UK Government could use trade negotiations to promote and improve human rights, including the rights of children. The process is supported within the Scottish Government by a cross-government Human Rights Reference Group.

Next Steps

- We are currently developing new international development programmes with our focus countries, partnering with them to: [tackle non-communicable diseases](#); support [inclusive education](#) for those who have additional support needs; and [advance the rights of women and girls](#).

1.13 Children’s Rights and Business

No	UN Concluding Observation
16a	Ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the State party’s territory in relation to international and national human rights, labour, environmental and other standards.
16b	Require companies to undertake assessments of, consultations on and full public disclosure of the environmental, health-related and children’s rights impacts of their business activities and their plans to address such impacts.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 2.14 – Human Rights in Business

Constitutional Framework

Company law is reserved to the UK Parliament, therefore it is not within the powers of the Scottish Government to legislate for the accountability described in the Committee’s recommendation.

Progress since November 2022

The Scottish Government adheres to the UN Guiding Principles on Business and Human Rights (UNGPs), which stipulate that companies must assess and address human rights risks and abuses arising in all aspects of their business. We are committed to supporting Scottish businesses to ensure they do not, consciously or inadvertently, become party to such human rights abuses and to remediate if breaches occur.

The Scottish Government recognises that the UNGPs should directly inform Scotland's trade policy in a way that assists Scottish businesses to ensure that their own activities promote and uphold human rights. We are committed to implementing human rights obligations, such as through due diligence, procurement and in any actions taken by the Scottish Government to improve the trading environment for goods and services and investment, as well as exploring further options on the connections between human rights and trade.

Vision and Ambition

Building a Wellbeing Economy is the overarching vision of Scotland's [National Strategy for Economic Transformation](#) (2022), which sets out the Scottish Government's ambition to tackle structural economic inequalities. A fair, green and growing economy, which benefits all of Scotland's communities and people, and where businesses thrive, is critical to the three Missions of equality, opportunity and community set out by the First Minister in the [Policy Prospectus](#), published in April 2023. As committed to in the National Strategy for Economic Transformation (NSET), we have established a Centre of Expertise in Equality and Human Rights to work with external partners to embed equality and human rights in Scottish Government economic policy making (see section 1.7).

The Scottish Government supports Scotland's enterprise agencies to carry out due diligence checks on their trade and investment activity, including applying the Scottish Government's [Guidance on Due Diligence: Human Rights](#) (2018) and discretionary economic policy against trade and investment with Russia.

Public procurement

Companies awarded public contracts are required to comply with social, environmental, and labour laws and obligations when performing those contracts, and contracts can be terminated where breaches of these laws occur. The sustainable procurement duty set out in the [Procurement Reform \(Scotland\) Act 2014](#) requires public bodies to consider and act on opportunities to improve economic, social and environmental wellbeing, and reduce inequality within their procurements. We use the duty as a means of driving positive outcomes in our contracts through a range of means, for example Fair Work, community benefits, and addressing the climate emergency. Our National [sustainable procurement tools](#) and associated guidance have been designed to help public bodies comply with policy and legislation and include a focus on human rights and equality as well as climate and circular economy obligations.

Fair work

Powers over employment law, the regulation of international trade, and trade and industry are reserved to the UK Parliament. Absent these powers, the Scottish

Government has, within its devolved competence, set to build a Wellbeing Economy and is using its Fair Work policy to promote fairer work practices across the labour market in Scotland. Through our Fair Work First policy, we are leveraging employers' commitment to fair work by applying Fair Work principles to public sector grants, other funding, and contracts where it is relevant and proportionate to do so. In Scotland, public sector grants awarded on or after 1 July 2023 are required to pay at least the real Living Wage to all employees, and to provide appropriate channels for effective workers' voice. In October 2021, it became a requirement for companies bidding for Scottish Government contracts to pay workers delivering those contracts at least the real Living Wage, where relevant and proportionate. While public bodies are responsible for their own procurement decisions, Fair Work First is being encouraged across the whole of the public sector in Scotland to help drive up workplace standards.

Climate change/environment

The Scottish Government maintains a comprehensive set of environmental regulations to ensure that business and industrial premises in Scotland operate within high standards. The Scottish Environment Protection Agency regulates individual sites, setting limits on their impact on the environment through permits, and monitors their environmental performance to prevent any harm to the health and wellbeing of people, including consideration of the effect on children. Environmental monitoring data is publicly available for large industrial sites and for water and air quality across Scotland. Significant new developments will be subject to Environmental Impact Assessments, which provide transparent information on the potential impacts on the environment and communities, and how these will be mitigated, as part of the process of securing planning permission.

Next Steps

- An implementation plan for the New Deal for Business Group recommendations was published on 19 October 2023. It details how recommendations will be taken forward over the next 18 months and includes actions in relation to businesses' role in building a Wellbeing Economy.
- The Scottish Government has consulted on the recognition of a human right to a healthy environment in a [planned Human Rights Bill](#). Proposed substantive elements of the right include clean air; safe and sufficient water; and non-toxic environments in which to live, work, study and play. This takes account of the vulnerability of children to poor environmental quality. While Scotland currently has strong legal protections and policy initiatives for environmental protection, recognising the right to a healthy environment as a human right of everyone in Scotland will deliver a stronger framework from which to take further action and strengthen accountability.

1.14 Access to Justice & Remedies

No	UN Concluding Observation
17a	Ensure all children have access to confidential, child-friendly and independent complaints mechanisms in schools, alternative care settings, foster care systems, mental health settings and detention for reporting all forms of violence, abuse, discrimination and other violations of their rights, and raise awareness among children of their right to file a complaint under existing mechanisms.
17b	Ensure all children have access to legal support and representations and remedies, including by removing barriers faced by children in disadvantaged situations and expanding the types of support provided under the legal aid budget.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 3.3 – Receiving and Monitoring Complaints of Discrimination
- Section 3.4 – Child Friendly Complaints Process
- Section 3.13 – Hearing the views of Individual Children and Young People
- Section 3.14 – Legal Aid and Advice

Progress since November 2022

Systems are in place across a range of settings to support individuals, including children and young people, to complain about possible breaches of their rights.

Residential Care

The Care Inspectorate are the independent regulator for social care services in Scotland and are responsible for the regulation, oversight, and improvement of care homes. The Care Inspectorate operates a complaints procedure for anyone who wishes to raise a concern about a care service or a member of staff working in a care setting. If a child or young person is unhappy about the standard of care they are receiving, or want to talk to someone in confidence, they can do so by contacting the Care Inspectorate directly. Information on how to do so is contained on the [Care Inspectorate website](#). This includes a helpful animation and information on how to contact them via text. Following receipt of a complaint, the Care Inspectorate will investigate and determine whether any remedial action is required by the provider in order to resolve the complaint.

Education

There are a number of mechanisms through which families of children and young people with additional support needs can resolve their concerns under the [Education \(Additional Support for Learning\)\(Scotland\) Act 2004](#) (see section 2.3 of this report). In addition, complaints can be made through individual local authority's complaints procedures. Where individuals remain dissatisfied with the authority's response, they have the right to contact the Scottish Public Services Ombudsman (SPSO), who handle complaints about public services in Scotland. This is discussed at section 3.3 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022).

Mental Health Law

The Scottish Government is establishing a new Mental Health and Capacity Reform Programme. This will look at options to update mental health and capacity legislation

to further enhance the protection of human rights. The programme will also drive action across the mental health system to improve how we put rights into practice. This includes work to strengthen access to independent advocacy. The programme will also aim to strengthen accountability and improve existing mechanisms for upholding human rights, including the rights of children. An initial delivery plan will be published in early 2024.

Scottish Prison Service

The Scottish Prison Service (SPS) has undertaken a review of the SPS's complaints mechanism in relation to under 18s, to assess its effectiveness and the extent to which it aligns with international human rights standards and guidelines. This has resulted in a presentation being developed for children to simplify the complaints procedure and make them aware of their rights in custody. Children have the opportunity to access support from staff and services to complete the necessary paperwork when making a complaint.

A Communication Friendly Project is currently underway at HMP & YOI Polmont. As part of this collaborative work driven by Forth Valley Specialist Speech Language Therapists and the SPS, easy read resources were developed for children and young people in custody, including an easy read version of the complaints mechanism. Independent prison monitors also continue to visit HMP & YOI Polmont regularly and make themselves known to young people.

Children's Commissioner

The Commissioner for Children and Young People can investigate possible breaches of rights on behalf of groups of children where there are wider implications for children's rights and for individual children in specified circumstances. The Commissioner's investigatory powers are discussed further at section 1.9.

Child Friendly Complaints Process

The Scottish Public Services Ombudsman (SPSO) has a statutory function in relation to complaints handling for most public bodies. In 2021, the Scottish Government announced funding to the SPSO for a three-year project to develop child-friendly complaints procedures as part of a model complaints handling process. These approaches aim to ensure that children and young people can access complaints procedures and that processes are centred around the needs of the child when a complaint is made on their behalf or concerning them. The SPSO has co-created the new resources with groups of children and young people. The procedures have been drafted in such a way that they can be adapted and adopted by other public bodies not within the jurisdiction of SPSO who are seeking to establish similar processes.

The SPSO is currently piloting these resources, which have been sent to a wide variety of complaint handlers from public bodies and the third sector.

During the pilot phase, stakeholders have been invited to view, trial, and submit feedback on the materials and process. Stakeholders were encouraged to reflect on the usefulness of the guidance, how children and young people felt when engaging with the draft complaints process, the strengths of the proposed approach and areas

for development. The SPSO is continuing to work with pilot organisations to respond to feedback and prepare for a soft launch of the resource in April 2024.

Legal Support and Representation

The Scottish Government is providing funding to Clan Childlaw and the Scottish Child Law Centre so that children and young people and their representatives will have access to free legal advice and (from Clan Childlaw) representation when seeking to use the courts to enforce their rights.

Children and young people in Scotland have access to the full range of publicly funded legal assistance as provided through the Scottish Legal Aid Board (SLAB). Legal Aid is discussed at section 3.14 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022)

In November 2022, a Scottish Statutory Instrument was laid before the Scottish Parliament to extend the provision of a type of legal aid known as Assistance By Way of Representation ("ABWOR") so that it may be available to the siblings of a child who is subject to Children's Hearing proceedings and who either have, or are seeking, rights to participate in those proceedings. The availability of ABWOR to siblings will be non-means tested and subject to an effective participation test, approved by SLAB.

In June 2023, a Scottish Statutory Instrument was laid to provide that payments made by the UK Government through the Social Security (Additional Payments) Act and the Social Fund Winter Fuel Payments (Temporary Increase) Regulations 2023 are to be disregarded when calculating financial eligibility for different types of legal aid, including children's legal aid.

A Scottish Statutory Instrument was laid in February 2024 to provide that legal aid is to be automatically available to a child in relation to whom a children's hearing or pre-hearing panel is considering imposing a compulsory supervision order that includes a movement restriction condition (in accordance with sections 83 and 84 of the [Children's Hearings \(Scotland\) Act 2011](#))

Children also continue to have access to independent advocacy when attending a Children's Hearing through the Scotland-wide Children's Advocacy in Children's Hearings scheme. Advocacy in the Hearings System is discussed further at section 3.13 of the Position Statement (2022).

Next Steps

Mental Health Law

- The Scottish Government will publish an initial delivery plan for the Mental Health and Capacity Reform Programme in early 2024. This will set out initial actions that will be taken forward between October 2023 to April 2025.

Child Friendly Complaints Process

- The SPSO will publish the full child friendly complaints approaches and procedures in April 2024. Public bodies under the jurisdiction of SPSO will be supported to achieve compliance through training and resources.

Legal Support and Representation

- In 2024-25, the Scottish Government will continue to provide funding so that children and young people and their representatives will have access to free legal advice and representation when seeking to use the courts to enforce their rights.
- SLAB will continue to monitor the provision of publicly funded legal assistance to children and young people and bring any issues around provision to the attention of the Scottish Government.
- The external evaluation of the Children’s Hearings Advocacy provision contract was awarded to Research Scotland and commenced on 29 January 2024. The final Report will be with Scottish Ministers by end of October 2024.

1.15 Age of the Child

No	UN Concluding Observation
18a	Ensure that all children, including those who are 16 and 17 years of age, are defined as children in law and receive protection as children in practice, including by undertaking a review of age-based legislation throughout all jurisdictions of the State party.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 2.16 – Definition of a Child

Scottish Government Position

The United Nations Convention on the Rights of the Child (Incorporation)(Scotland) Act (UNCRC Act) provides that, for the purposes of the incorporated rights and obligations, a child is a person under 18 years.

Provided it does not prevent the realisation of their rights, Scottish policy and legislation related to children and young people may continue to operate with different age thresholds once the provisions in the UNCRC Act commence. The UNCRC recognises the evolving capacity of children and young people, and that children and young people will have increased choices and ability to influence decisions that affect them as they grow older. Therefore, in some contexts (such as the right to vote), treating young people in the same way as adults will strengthen their rights, and in other contexts (such as diversion from the criminal justice system), treating young people in a different way will strengthen their rights. The UNCRC Act requires that when Scottish Parliament legislation defines an age threshold for support, protection, or responsibilities, it does so in a way that is compatible with the UNCRC requirements.

Next Steps

- The Scottish Government has an existing continuous process of reviewing our statute book in light of evolving case law, policy development and societal change in relation to human rights.

1.16 Minimum Age of Marriage

No	UN Concluding Observation
18b	Prohibit all marriages under 18 years of age, without exception in Scotland.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 2.16 – Definition of a Child

Progress Since November 2022

All marriages and civil partnerships in Scotland must be entered into with the full consent of both parties. There is also existing legislative provision in Scotland against forced marriage (see section 4.7). These protections fully extend to forced civil partnerships from 30 November 2023.

The Scottish Government has been gathering views and evidence from key stakeholders on raising the age of marriage in Scotland from 16 to 18 years. We have met with around 30 groups and organisations representing a range of interests. This includes groups focused on ending forced marriage and violence against women and girls, religious and belief organisations, family law academics and members of the Scottish Youth Parliament. We will continue to engage with interested groups and organisations.

Next Steps

- The Scottish Government intends to consult formally in 2024 on the minimum age of marriage and civil partnership as part of a consultation on a variety of family law issues. The Scottish Government aims to publish this consultation by summer 2024.
- The National Records of Scotland (NRS) publishes data on the numbers of marriages solemnised and civil partnerships registered each year in Scotland. This includes [data on age at marriage](#), including on the numbers of 16 to 20 year olds who marry. We will discuss with NRS whether it would be appropriate for statistics to be published on registered marriages involving 16 and 17 year olds.

2. General Principles

2.1 Non-Discrimination

No	UN Concluding Observation
20a	Implement targeted policies and programmes to combat racist and xenophobic activities and to eliminate discrimination against children in disadvantaged situations, including children belonging to ethnic minority groups, asylum-seeking, refugee and migrant children, Roma, Gypsy and Traveller children, children with disabilities, children in alternative care, children of incarcerated parents, children of unmarried parents, lesbian, gay, bisexual, transgender and intersex children, socioeconomically disadvantaged children, and children in the justice system.
20c	Conduct media campaigns to change social norms and behaviours that contribute to discrimination, raise public awareness of the prohibition of discrimination, and promote tolerance and respect for diversity.
20h	Evaluate, with the participation of children and civil society, existing measures aimed at combating discrimination against children in disadvantaged situations, to assess their impact and revise the measures accordingly.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 3.2 – Equalities and Inclusion in Relation to Particular Groups

Progress since November 2022

Public Sector Equality Duty

The [Equality Act 2010](#) (2010 Act) places a duty on public authorities to have due regard to the need to: eliminate discrimination, harassment, and victimisation; advance equality of opportunity; and foster good relations between persons who share a relevant protected characteristic (age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation) and those who do not. This is known as the Public Sector Equality Duty (PSED). This is discussed further at section 3.1 of the [Embedding Children’s Rights in Scotland: Position Statement](#) (2022).

The Scottish Government is continuing an ongoing programme of improvement activity in relation to the effectiveness of the PSED in Scotland. From December 2021 to April 2022, we ran a public [consultation](#) which set out a series of detailed proposals both for legislative changes to the Scottish Specific Duties as well as changes to the wider implementation environment. In October 2023, the Minister for Equalities, Migration and Refugees confirmed that we will be taking a phased approach to improving the PSED regime in Scotland. We are now developing policy instructions to ensure that revised regulations, and the implementation environment around them, can help to deliver our goal of better outcomes for those who continue to experience inequality.

We will initially be prioritising key regulatory changes. We aim for these to come into force in May 2025. Further changes will be considered over the longer-term; on

matters such as reporting requirements and outcome setting. We will seek to align reporting requirements with any created by the Human Rights Bill.

Equality and Inclusion in Relation to Particular Groups

Race Equality

The Scottish Government is determined to show leadership in advancing race equality, tackling racism, and addressing the barriers that prevent people from minority ethnic communities from realising their potential. The [Race Equality Framework for Scotland 2016-2030](#) set out our approach to tackling racism and advancing race equality in Scotland. In June 2023, we published a [Progress Review of commitments contained within the Race Equality Framework](#) and the [Immediate Priorities Plan](#) (2021). This demonstrated that we are continuing to make progress across many areas including, but by no means limited to, education, employment, housing, health, and culture.

The Scottish Government is currently developing the structure and modelling of the Anti-Racism Observatory of Scotland (AROS) on ethnicity and racial inequalities, which will play a significant role in bringing about the required system change to create equity for all communities. The Observatory will help to embed anti-racism across the public sector and beyond, including ensuring accountability for commitments made.

The Scottish Government funded Intercultural Youth Scotland to facilitate the involvement of young people in the decision making around the modelling and structure of the AROS, including facilitating panels and meetings of young people from racialised minorities, and supporting a young person to sit on the advisory group advising the Scottish Government.

Anti-Racism in Education Programme

The [Anti-Racism in Education Programme](#) (AREP) seeks to embed anti-racism within the Scottish education system. The work of the AREP is beneficial for all learners, educators, and wider education communities, but is designed to specifically improve the education experiences for learners, their families and education staff from racialised minority backgrounds, through the work of four interconnected workstreams focused upon:

- Ensuring that schools and educators are equipped with the tools to properly report, reduce, eliminate, and deal with racism in all of its forms.
- Creating educators in Scotland that are racially literate and race cognisant in all that they do.
- Diversifying the education workforce to ensure that it is representative of Scotland's racially diverse population.
- Creating an anti-racist, culturally responsive curriculum that reflects the diverse communities that it serves.

The work of the [Racism and Racist Incidents Subgroup](#) of the AREP is focused on supporting schools and school staff to improve the understanding of racism and to ensure that these issues are properly identified, addressed and prevented from happening in future. The primary role of the subgroup is to develop resources for

schools to prevent and respond to racism and racist incidents, including strengthening approaches to recording and monitoring.

The [Education Leadership and Professional Learning Subgroup](#) aims to create educators and leaders that are confident, committed and empowered to promote equality, foster good relations and identify, prevent and deal with racism. A successful, award winning, professional development opportunity, entitled the Building Racial Literacy Programme, has been co-designed as part of this group's work. The Programme is run by Education Scotland. The fourth cohort of educators and education system leaders are about to begin this professional learning. Once they have completed it, over 400 educators will have taken part from across all 32 Scottish local authorities. Evaluations from the third cohort indicate that educators and education system leaders completing the programme felt inspired and motivated by the professional learning and considered that this helped them improve their practice.

Work also continues as part of the [Diversity in the Teaching Profession and Education Workforce subgroup](#) to identify, reduce and eliminate barriers for education staff from racialised minority backgrounds to recruitment, retention and promotion within the sector. In April 2023, the Scottish Council of Deans published its [National Anti-Racism Framework for Initial Teacher Education](#) (ITE) and the new Anti-Racism in ITE Working Group was formed to oversee delivery of the Framework. All ITE providers have signed up to take forward the areas for action suggested within the Framework and the AREP will continue to support the Framework's delivery.

The [Curriculum Reform Subgroup](#) is focused on how anti-racism and inclusive education can be embedded across the curriculum, and in the role of national and local education systems and organisations. The Subgroup is funding the creation of a range of new resources to support learning and teaching, and has established a small grants fund to encourage and amplify children and young people-led anti-racist in education activity. The Subgroup has co-created the [Breaking the Mould Anti-Racism in Education Principles](#) (published in 2023).

The Scottish Government commissioned an external organisation to develop a framework for evaluating the success of the AREP. This was delivered to the Programme's Board in 2023. Subsequently, a Theory of Change model has been developed specifically to support the work of the Diversity in the Teaching Profession and Education Workforce subgroup. We have also commissioned Intercultural Youth Scotland to carry out a series of engagement with children and young people from racialised minority backgrounds on behalf of the AREP. This will ensure that the actions of the AREP continue to be informed by the needs and expectations of those who will be impacted.

Gypsy/Traveller Children and Young People

The joint Scottish Government and COSLA Action Plan, [Improving the Lives of Scotland's Gypsy/Travellers: 2019-2021](#), aimed to improve outcomes for Scotland's Gypsy/Travellers in the key areas of accommodation, education and health. The actions in the Plan were developed with members of the Gypsy/Traveller community. The Plan was extended until spring 2023 due to the effects of the Covid pandemic. It

was then refreshed for the period June to September 2023, to ensure it remained relevant to the needs of Gypsy/Traveller communities.

We are currently gathering data on successes and challenges with policy colleagues across the Scottish Government to review progress against the previous Action Plan.

In partnership with COSLA, we are also currently undertaking a listening exercise with Gypsy/Traveller communities to inform the development of a new Action Plan. This exercise commenced in July 2023 and will conclude in spring 2024. We aim to publish the new plan, which will focus on smaller, deliverable, and concrete actions, after the spring of 2024.

Partner organisations receive funding to support young people in education, celebrate the culture of Gypsy/Travellers and support the Scottish Government in its decision-making processes to meet the needs of the Gypsy/Traveller community.

New Scots Refugee Integration Strategy

Scotland's pioneering and collaborative approach to supporting refugees and people seeking asylum is set out in the [New Scots Refugee Integration Strategy](#). New Scots has been developed and led in partnership by the Scottish Government, COSLA and the Scottish Refugee Council. The current New Scots Strategy was published in 2018 and work aligned with New Scots has continued to progress.

Gender Inequality

The Scottish Government's [Gender Equality Taskforce in Education and Learning](#) commissioned research from the [Children's Parliament](#) and [Scottish Youth Parliament](#) which explores girls' and young women's experiences of systemic gender inequality in schools. The data collected in this research has helped to inform the group's work, which is predicated on the overarching ambition that: all girls and young women in Scotland, including those affected by intersecting inequalities, will: be taught by gender competent, educational professionals; not experience sexism, sexual harassment, or gender-based violence in the classroom or other educational setting; and freely choose subjects and areas of study, including those traditionally dominated by boys and men.

Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI)

As discussed in the [Programme for Government](#) (September 2023), the [Non-Binary Equality Action Plan 2023-2028](#), which was published in November 2023, aims to improve the lives of non-binary people in Scotland. The Plan includes actions to help schools and support services to have more inclusive processes and practices that take into account the needs of non-binary children and young people.

We are also developing a package of non-legislative, supportive measures to end conversion practices and support survivors, to sit alongside any future legislation. As part of this, we are looking at education in schools as well as community learning and development for children and young people. In addition to this, for the period 2021-24, the Scottish Government is providing £860,765 through the Equality and Human Rights Fund to LGBT Youth Scotland - Scotland's national charity for LGBTI+ young people who work with 13-25 year olds across the country.

The Gender Recognition Reform (Scotland) Bill is discussed at section 3.1 of this report. Measures to end conversion practices are discussed at section 4.8, while LGBT inclusive education is discussed at section 7.5.

Looked After Children and Young People

We know that our care experienced people can often feel stigmatised by their peers and communities. Through the work of [Each & Every Child](#), we are working with the sector to shift public attitudes towards families, children and adults who are in care, leaving care or are care experienced. Building a much broader, more informed view of care experience amongst the public and communities is a key aspect of keeping the Promise. The Promise is discussed at section 5.4.

Socio-economic Disadvantage

Measures being taken forward to help tackle child poverty in Scotland are discussed at section 6.13 of this report. Funded early learning and childcare and the expansion of free school meals are discussed at sections 5.1 and 6.5 respectively.

The Scottish Government has also taken steps to help with costs associated with the school day, to support all children and young people to participate fully in their education. We are currently working with stakeholders to draft national guidance which aims to reduce the costs related to buying school uniforms for all families. The guidance will be published during the first half of 2024, taking effect at the start of the next school year in August 2024. In 2023-24, we provided local authorities with increased funding from £11.8 million to £13 million to enable them to continue providing a guaranteed minimum level of support to all families who are eligible to receive a school clothing grant across Scotland.

The Scottish Government and COSLA have also agreed funding of £12 million for instrumental music tuition in 2023-24. The funding means that where music tuition is offered in schools, parents and carers will not be required to pay fees (local authorities remain responsible for further costs of the provision). This supports equity of access to instrumental music tuition, helping ensure that the widest range of young people can benefit from learning to play an instrument. We are also continuing to support the removal of core curriculum costs, including materials and resources needed for practical lessons, for all primary and secondary pupils. The Scottish Government and COSLA have agreed funding of £8 million to support the continued removal of core curriculum charges in 2023-24.

In addition to this, we have retained the Education Maintenance Allowance (EMA) programme, which supports eligible young people from low-income households to help them overcome financial barriers to access and progress in learning.

Disability Equality

The Scottish Government is working with Disabled People's Organisations - Glasgow Disability Alliance, Inclusion Scotland, and Disability Equality Scotland - to develop and implement an Immediate Priorities Plan that delivers actions to help meet the barriers faced by disabled people. This is discussed further at section 6.1.

Justice System

The scope of Bairns' Hoose includes children under the age of criminal responsibility whose behaviour has caused significant harm or abuse, as it is recognised that children exhibiting or carrying out harmful behaviours are often themselves victims of significant harm and abuse. It is with this in mind that a Bairns' Hoose is considered the most holistic form of intervention and support for the child to ascertain the circumstances of the harm, whilst at the same time offering therapeutic support to children who may themselves have been harmed. The Bairns' Hoose is discussed in detail at section 4.5.

Under the National Performance Framework for Prison Visitor Centres, services must be compliant with their obligations under equality legislation. The Centres are established to help achieve positive outcomes for prisoners' families and friends and for prisoners themselves. This includes helping to ensure that children affected by parental imprisonment are not discriminated against. A refreshed Scottish Prison Service Family Strategy looks to expand family contact provision through different means of communication and opportunities, such as the provision of induction packs, induction visits, and promotion of visitor centres. This will include consideration of any equality matters. Prison Visitor Centres are discussed further at section 5.6.

Next Steps

Public Sector Equality Duty

- Initial draft revised regulations which are intended to help listed public authorities to better perform their Public Sector Equality Duty are expected to be laid in the Scottish Parliament in early 2025, with regulatory changes coming into force in April 2025, to align with the next reporting period. Other medium and longer-term changes to the PSED regime in Scotland will be considered once the immediate priorities relating to regulatory change have been progressed.

Race

- It is expected that the Anti-Racism Observatory will be formally launched in 2024 and will provide support and oversight of anti-racism work across the Scottish Government and public sector.
- We will deliver an Anti-Racism in Education summit in 2024, hosted by the Cabinet Secretary for Education and Skills, which will seek commitment from organisations in the education sector to take action to embed anti-racism within their organisations and the sector more widely.
- In partnership with COSLA, we will aim to publish a new Gypsy/Travellers Action Plan after the spring of 2024. This will be informed by the views of the Gypsy/Traveller communities.
- A refreshed New Scots refugee integration strategy building upon work to date, will be published in two stages. Stage One, to be published in spring 2024, will set out context, vision, principles, and outcomes. Stage Two, to be published in summer 2024, will set out actions to deliver on our vision.

LGBTI

- We will publish an annual report on the progress made in implementing the Non-Binary Equality Action Plan 2023-2028.
- We will continue to take forward a package of non-legislative, supportive measures to end conversion practices and support survivors.

Socio-economic Disadvantage

- We will publish guidance on school uniforms during the first half of 2024. This will aim to reduce the cost of buying school uniforms for all families. The guidance will come into effect at the start of the next school year in August 2024.
- We will continue to provide funding to local authorities to enable them to provide a minimum level of support to all families in Scotland who are eligible to receive school clothing grants.
- We will continue to work with COSLA on draft guidance for schools and local authorities to provide further clarity on the implementation of core curriculum charges funding, as well as agreeing a long-term approach to this funding.
- Next steps for instrumental music tuition include the exploration of a medium/long-term policy framework and funding model which would deliver the intended policy outcomes in a sustainable and impactful way.

2.2 Age Discrimination

No	UN Concluding Observation
20f	Take legislative and other measures to ensure the protection of all children below 18 years of age from discrimination on the grounds of their age. Address discriminatory stereotypes against children; and promote a positive image of children as rights-holders.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 3.2 – Equalities and Inclusion in Relation to Particular Groups
- Section 3.6 – Attitudes to Children and Young People

Progress since November 2022

Age Discrimination

Although age is a protected characteristic under the [Equality Act 2010](#) (2010 Act), there are a number of specific exceptions and exemptions. For example, the provisions in the 2010 Act which prohibit discrimination in the provision of services and public functions do not apply to the protected characteristic of age, so far as relating to persons who have not attained the age of 18.⁴ Therefore, people and organisations can provide different services, or services on different terms and conditions, to children of different ages, or can decline to provide services to children altogether on the basis of this exemption. However, children under the age of 18

⁴ Section 28 of the 2010 Act.

remain protected against other forms of direct or indirect discrimination, such as on grounds of disability, race, or sex under the 2010 Act.

The Scottish Government has taken steps within its devolved powers to address the inequalities that young people below the age of 18 can experience. In 2015, we lowered the voting age to 16 for elections to the Scottish Parliament and local government in Scotland, to ensure that young people can participate in the democratic process. Between December 2022 and March 2023, we [consulted](#) on extending the right to stand for election in Scottish Parliament and local government elections to 16 and 17 year olds. The [analysis of the responses to the consultation](#) was published in July 2023. The Government's [response to the consultation](#) was published in October 2023.

On 24 January 2024, in the [Policy Memorandum](#) to the Scottish Elections (Representation and Reform) Bill, the Government explained that it had reflected on concerns raised during the consultation in relation to extending candidacy rights to 16 and 17 year olds (concerns were raised around the potential exposure of young people to intimidation, both as candidates and as representatives, and also practical issues concerning travel to the Scottish Parliament or council headquarters and working hours). The Policy Memorandum noted (at paragraph 24) that the Government recognised these concerns and had concluded that the time was not right for an extension of candidacy rights to 16 and 17 year olds.

The Scottish Government has also taken forward measures to end the placement of under 18s in Young Offenders Institutions through the Children (Care and Justice) (Scotland) Bill. This is discussed further at section 8.4.

Although employment law is reserved to the UK Parliament, the Scottish Government is continuing to mainstream its Fair Work First Policy throughout Scotland. The refreshed [Fair Work Action Plan](#) (2022) sets out actions which seek to ensure fair work practices for all. This includes through applying Fair Work First principles to public sector funds, which seek to promote payment of the real Living Wage and encourage employers not to use zero-hours contracts inappropriately, among other fair work practices. Since 2019, Fair Work First principles have been applied to some £4 billion worth of public sector funding.

In December 2022, Ministers announced a strengthening of this approach and, as such, grants awarded on or after 1 July 2023 now require recipients to pay their workers at least the real Living Wage, including 16-17 year old workers and apprentices, and provide appropriate channels for effective voice. Taken together, these elements of Fair Work provide greater certainty to workers of all ages, including young people, about how much they will be paid each week and the number and regularity of hours they will be expected to work.

Attitudes to Children and Young People

The Scottish Government is continuing to work with children and young people and key stakeholders to tackle the negative portrayal of children and young people within the media and wider society.

We provide core funding to Young Scot, which enables young people, through co-design projects, to champion and showcase how young people are contributing to many parts of Scottish life. In June 2023, the First Minister, Humza Yousaf, attended the [Young Scot of the Year Awards](#). This annual event celebrates the inspirational contributions and achievements of young people across Scotland. This year's finalists included young people who have made a significant contribution towards the promotion of education, the arts, enterprise, health, sport, and entertainment. The Award, which is sponsored by the Sunday Mail, receives significant media coverage.

The Scottish Government is also continuing to provide funding to the Scottish Youth Parliament (SYP) and Children's Parliament. These organisations support children and young people to celebrate their contribution to Scottish society and to promote a positive image of children as rights holders. Members of the SYP and Children's Parliament have met with the Scottish Cabinet since 2017 and have used these meetings to raise issues that are important to children and young people across Scotland. The most recent meeting, which took place on 6 June 2023, is discussed at section 2.6.

The Scottish Government provided funding to Together (Scottish Alliance for Children's Rights) to support a group of children and young people to attend the UN Committee's interactive dialogue session with the UK State party in Geneva in May 2023. Children and young people also attended the Committee's pre-session with UK rights stakeholders in February 2023. Committee members commended the children and young people for how well they had represented the views and lived experiences of Scotland's children in Geneva.⁵

Next Steps

Right to Vote

- The Scottish Government is working with partners to look at potential new ways to increase registration levels amongst under-represented groups including young people and foreign nationals.

Attitudes to Children and Young People

- In 2024-25, the Scottish Government will continue to provide funding to support work in promoting a positive image of children as rights holders.
- We will continue to raise awareness of the rights of children and young people amongst parents, carers, and family members.
- The Scottish Government will continue to work with the Children's Parliament and Scottish Youth Parliament to lead the Cabinet Takeover once a year. This event promotes positive and empowered voices of children and young people.

⁵ The young people used #TeamScotlandUN to provide live updates during the dialogue session.

2.3 Complaints of Discrimination

No	UN Concluding Observation
20b	Establish clear avenues for children to seek justice in cases of discrimination, and, where appropriate, ensure the access of children in disadvantaged situations to health services, education, and a decent standard of living.
20d	Encourage the reporting of hate crimes against children; investigate and prosecute cases of racially, ethnically, and religiously motivated crime; punish perpetrators with commensurate sanctions; and provide adequate compensation to the victims, as appropriate.
20e	Ensure that children who experience discrimination, bullying or harassment in relation to their sexual orientation or gender identity receive protection and support, including through targeted anti-bullying measures.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 3.2 – Equalities and Inclusion in Relation to Particular Groups
- Section 3.3 – Receiving and Monitoring Complaints of Discrimination

Progress since November 2022

The Scottish Government is taking forward a range of measures to ensure that children in Scotland have access to education and health services and to help tackle child poverty. These are discussed in chapters 6 and 7 of this report.

Section 3.3 of the [Embedding Children's Rights in Scotland: Position Statement \(2022\)](#) discusses the systems that are in place to support the receiving and monitoring of complaints about possible discrimination including within education. [Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People \(2017\)](#) includes direct reference to prejudice-based bullying, including bullying motivated by racism, sexism, homophobia, or prejudice and discrimination towards disability or faith. A consistent and uniform approach to recording and monitoring of incidents of bullying in schools supports the Framework (see section 7.4).

In relation to complaints about the provision of additional support within education, the [Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#) provides a comprehensive legal framework for the provision of additional, targeted support for children and young people who face barriers to learning. Under the Act, education authorities have duties to identify, provide for and review the additional support needs of their pupils. The Scottish Ministers want all concerns or disagreements about the provision of education support duties to be resolved at as local a level as possible where appropriate. It is, therefore, advised that families continue to engage directly with the school and education authority to come to a resolution which is agreeable for their child. However, should families remain dissatisfied with the support being provided to their child, there are a range of dispute resolution mechanisms available under the 2004 Act; including independent mediation and adjudication, and referral to the First-Tier Tribunal for Scotland's Health & Education Chamber.

The [Patient Rights \(Scotland\) Act 2011](#) and supporting legislation, provide a specific right for people to make complaints, raise concerns, make comments and give feedback about NHS services in Scotland. The Act also places a duty on NHS Boards to thoroughly investigate and respond to any concerns raised, to take improvement actions where appropriate, and to share learning from the views they receive. The model [NHS Complaints Handling Procedure](#) (CHP), which was introduced in 2017, supports a more consistently person-centred approach to complaints handling across NHS Scotland. The CHP brings a focus to the early, local resolution of complaints, wherever that is appropriate, and introduced a distinct, five working day stage for early, local resolution, ahead of the twenty-working day stage for complaint investigations. When a person has concerns about their treatment or care, this should be addressed at a local level through the CHP. When that is not possible, the Scottish Public Services Ombudsman (SPSO) is the second and final stage in the complaints process.

The SPSO is independent from the provider of healthcare and Scottish Ministers and looks into complaints about most organisations providing public services in Scotland. Their role is to give an independent and impartial decision on complaints. It also has a statutory role in improving complaints handling by organisations. The SPSO's current work to develop a child-friendly complaints procedure is discussed at section 1.14.

The Commissioner for Children and Young People can investigate possible breaches of rights on behalf of groups of children where there are wider implications for children's rights and for individual children in specified circumstances. This is discussed further at section 1.9. The Scottish Government is also continuing to provide funding to organisations who provide free legal and advocacy services for children and young people.

Hate Crime

A [Study into the Characteristics of Police Recorded Hate Crime in Scotland](#) (January 2023) presents updated information on the number of hate crimes recorded by the police in Scotland during 2020-21 and 2021-22. It also includes new details on the characteristics of hate crime, based on a random sample of cases recorded by the police in 2020-21.

The Scottish Government published a new [Hate Crime Strategy](#) in March 2023. This sets out a vision for a Scotland where everyone lives free from hatred and prejudice and where our communities are empowered, inclusive and safe. The Strategy has been developed in partnership with organisations with expertise in tackling prejudice, building cohesive communities, and advancing human rights. Importantly, it has also been informed by people with lived experience of hate crime.

The Strategy makes a number of commitments including: ensuring improved support for victims of hate crime; improving data and evidence on hate crime; and developing effective approaches to preventing hate crime. It will also support the implementation of the [Hate Crime and Public Order \(Scotland\) Act 2021](#), which is expected to be in force early in 2024. The Act modernises, consolidates, and extends existing hate crime legislation in Scotland. It also makes provision requiring information about

police recorded hate crime and convictions data to be published annually, and with greater detail where known.

The Scottish Government published the [Hate Crime Strategy Delivery Plan](#) on 20 November 2023 which supports the Hate Crime Strategy. The Plan sets out a range of activity that the Government will take forward with key partners over the next two years to tackle hate crime.

Police Scotland are responsible for the investigation of hate crimes in Scotland. They operate independently and investigation of hate crime is a priority for them. The prosecution of hate crime is a matter for the independent Crown Office and Procurator Fiscal Service under the Lord Advocate, and they adopt a robust approach in responding to such offending behaviour. The criminal law in Scotland provides for different penalties depending on the nature of the hate crime committed, with the independent courts making decisions in individual cases. As part of the powers the courts have in this area, they can decide whether compensation is required in individual cases under general court powers to impose a compensation order as part of a disposal in criminal cases.

Next Steps

Education

- In March 2023, we began a planned review of Respect for All, supported by a working group made up of a wide range of stakeholders, to understand what updates are required to the guidance to better support schools to prevent and respond to bullying. The review includes consideration of the current guidance around prejudice-based bullying, online bullying, and recording and monitoring of incidents. We expect the revised guidance to be published in 2024.

Hate Crime

- The Hate Crime and Public Order (Scotland) Act 2021 is scheduled to commence in early 2024. To coincide with commencement, a hate crime campaign will be launched to raise awareness of hate crime and how to report this.

2.4 Best interests of the child

No	UN Concluding Observation
21a	Ensure that the principle of the best interests of the child is consistently applied in all policies, programmes and legislative, administrative, and judicial proceedings affecting children, including in relation to placement in alternative care, domestic violence, custody, trafficking, child justice, migration, and asylum procedures
21b	Strengthen the capacity of all relevant professionals for assessing and determining the best interests of the child and for giving it due weight as a primary consideration;
21c	Take measures to develop and implement a tool for the purpose of Child Rights Impact Assessments throughout the State party.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 2.6 - Child Rights and Wellbeing Impact Assessment
- Section 2.10 – Children's Services Planning
- Section 3.7 – Best interests of the Child

Progress since November 2022

Section 3.7 of the [Embedding Children's Rights in Scotland: Position Statement \(2022\)](#) discusses the measures that are currently in place to promote the best interests of the child in policy and legislation in Scotland.

The United Nations Convention on the Rights of the Child (Incorporation)(Scotland) Act (UNCRC Act) incorporates the UNCRC into Scots law within devolved competence. This includes Article 3 of the Convention on the best interests of the child.

Getting it right for every child (GIRFEC), the national approach in Scotland to improving outcomes and supporting the wellbeing of children, underpins all other Scottish Government policy for children, young people, and families. GIRFEC puts the best interests of the child at the heart of decisions that affect them. To help provide practitioners and professionals with confidence, clarity and practical support to continue to embed the GIRFEC approach, we host a Learning Network for relevant practitioners across children's services to complement the [GIRFEC policy and practice guidance series](#). Other measures being taken forward to further raise awareness of the UNCRC, including the best interest of the child, across public authorities in Scotland are discussed at section 1.11 of this report.

Engagement with the national Children's Services Planning (CSP) Strategic Leads Network has highlighted the key role local multi-agency Children's Services Planning Partnership (CSPP) governance fora have in relation to describing how the partnership is using children's rights to inform the structural, procedural and outcome framework of its plan. It also supports partnership working, which creates and maintains effective local GIRFEC practice with children, young people and families (in line with statutory review criteria as part of requirements for Part 3 of the [Children and Young People \(Scotland\) Act 2014](#)) which will help inform the development of each CSPP area's Children's Services Plan for 2023-2026.

The Scottish Government is currently undertaking the review of Children's Services Plans (2023-2026). This will provide individual feedback to each CSPP area against Part 3 statutory criteria, as well as the publication of a national report by summer 2024.

In September 2023, the Scottish Government published a report on the [Core Wellbeing Indicator Set](#) as part of national reporting on the Children, Young People and Families Outcomes Framework.

The Scottish Government's use of the non-statutory Child Rights and Wellbeing Impact Assessment (CRWIA) is continuing to ensure that the best interests of the child are considered in the development of relevant policies and legislation. The

CRWIA is discussed at section 2.6 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022).

The UNCRC Act, once commenced, will also place a statutory duty on the Scottish Ministers⁶ to prepare and publish a CRWIA for: all new Bills being introduced by the Scottish Ministers in the Scottish Parliament; most Scottish Statutory Instruments made by the Scottish Ministers; and decisions of a strategic nature made by the Scottish Ministers relating to the rights and wellbeing of children. Following the UNCRC Bill receiving Royal Assent and becoming an Act, all internal guidance, templates, training and processes are currently being updated to ensure ease of use, widespread awareness and compliance with the section 17 CRWIA duties under the UNCRC Act.

Next Steps

- In addition to the published GIRFEC guidance, the Scottish Government will work with local and national partners across universal services to develop professional learning materials to further support GIRFEC implementation. We will also facilitate a GIRFEC learning network for local leaders to promote improvement through self and peer support and evaluation.
- We will work with public authorities and third sector organisations to update our CRWIA guidance and example template for external stakeholders to use.

2.5 Right to Life, Survival and Development

No	UN Concluding Observation
22a	Urgently reduce infant and child mortality rates, and address the underlying determinants especially poverty, discrimination and disability.
22b	Conduct an independent inquiry into the unexpected deaths of children in alternative care, custody, mental health care and the military, and ensure the regular collection and publication of disaggregated data on child deaths in all institutional settings;
22c	Address the high rate of avoidable child deaths and strengthen efforts to prevent suicide and self-harming behaviours among children, including children in care, custody, health settings and immigration detention;

Relevant section of Scottish Government's November 2022 Position Statement

- Section 3.10 – Maternity and Neonatal Mortality
- Section 3.11 – Investigation of Child Death and Serious Injury
- Section 7.24 – Mental Health Support for Specific Groups of Children
- Section 7.25 – Suicide Prevention

⁶ The UNCRC Act, once commenced, will not place a statutory duty on public authorities to undertake CRWIAs in policy development. This is in line with the comments made by UNICEF UK during the public consultation on the draft Bill that this might place too much of a burden on public authorities.

Progress since November 2022

Maternal and Child Health

The Maternity and Children Quality Improvement Collaborative (MCQIC), which is part of the Scottish Patient Safety Programme, focuses on improving outcomes for women, babies, children, and families in Scotland. The MCQIC has undergone a refresh and was relaunched as the Scottish Patient Safety Programme (SPSP) Perinatal on 7 November 2023. The Programme will continue to focus on improving outcomes for mothers and newborn babies. The SPSP Perinatal programme is currently focusing on reducing stillbirth, neonatal harm, and severe postpartum haemorrhage, as well as the implementation of a national maternity early warning chart.

The most recent Mothers and Babies: Reducing Risk through Audits and Confidential Enquiries Across the UK (MBRRACE-UK) Report, published in November 2022, highlighted that racialised health inequalities continue to have an impact on outcomes for pregnant women and their babies. Working with clinical and midwifery leads, professional bodies and third sector organisations, we have established a short-life working group, tasked with synthesising the learning from confidential enquiries, audits and other reports, to develop a programme of improvement activity for Scotland. In addition, as part of ongoing implementation of [The Best Start: Five-Year Plan for Maternity and Neonatal Care](#) (2017), all NHS Boards are expected to prioritise delivery of continuity of carer for women who will benefit from it the most, including those from minority ethnic communities, as well as women who experience multiple social complexity.

Work was also commenced in 2019 with Public Health Scotland (PHS) and Directors of Public Health to develop a toolkit to help Boards undertake a vulnerability needs assessment. The Scottish Government is committed to working with PHS to roll-out the toolkit and support boards in the delivery in order to assess the prevalence of additional support needs among vulnerable women accessing maternity/neonatal services within their area.

The Scottish Government is also continuing to take forward a range of measures which aim to support and promote the health, wellbeing, and life chances of all children in Scotland, including actions to help reduce health inequalities and tackle child poverty. These are discussed at chapter 6 of this report. Support for people who self-harm or who are considering suicide, and their families, is discussed at section 6.7.

Accident Prevention

In Scotland, there is a low incidence of fatalities in the home due to accident. Work on prevention of accidental harm or death is embedded in a range of Scottish Government strategy and policy initiatives including health and early years. Advice on home safety and accident prevention can be found via NHS Inform and from the Scottish Government Parent Club website. Targeted advice is provided from a range of public health and service professionals and programmes including Health Visitors, GPs, Fire, Police and Parenting Programmes. Public Health Scotland continue to publish home safety incident data and provide analysis of key trends to inform policy and operational planning. In addition, Ministers remain committed to delivering a

National Care Service to improve quality, fairness and consistency of provision that meets individuals' needs.

With reference to water safety, the Scottish Government has set a target for a 50% reduction in preventable deaths by drowning across all age groups. Scotland's [Water Safety Action Plan](#) (2022) and funding for Water Safety Scotland are key mechanisms for achieving this.

The Scottish Government [Road Safety Framework to 2030](#) (2021) includes a target to reduce child fatalities and serious injuries in road traffic collisions by 60% by 2030. The Framework includes a number of road safety initiatives, including education and training, that are delivered by partners through annual delivery plans. Transport Scotland collects and publishes information on child casualties sustained in road traffic collisions. This is broken down by severity and different types of road users, such as pedestrians and cyclists.

Investigation of Child Death and Serious Injury

Section 3.11 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022) includes information on current procedures for investigating instances of child death and serious injury in a range of settings.

Neonatal Mortality

The Scottish Government commissioned Healthcare Improvement Scotland (HIS) to lead a national review to understand any contributing factors to the increase in neonatal mortality during 2021-22. The review, which covered reported neonatal deaths across Scotland between 1 April 2021 and 31 March 2022, was informed by relevant data and clinical expertise. The review assessed and determined whether there were any themes, underlying causes or safety factors that contributed to the increased neonatal mortality rate, from both a clinical and system perspective. Key learning points were identified and recommendations for improvements in the quality of care made. This [Report](#) has now published. The Scottish Government has accepted the findings and is considering the implications and next steps with partners, including HIS, PHS, and the Perinatal Network.

Mental Health Law

The Mental Welfare Commission for Scotland is undertaking a number of reviews to contribute learning in respect of how deaths of people detained under mental health laws are investigated. The reports of two of these reviews were published by the Commission in August and September 2023. The Scottish Government is currently considering proposals for a new independent investigatory regime.

National Hub for Child Death Reviews

In order to reduce the number of preventable deaths and harm to children and young people, the Scottish Government continues to fund a [National Hub to review child and neonatal deaths](#). The Hub draws on evidence from pre-existing reviews and data, including Public Health Scotland data, Serious and Adverse Event Reviews and Fatal Accident Inquiries, to identify and share learning through the provision of national guidance and annual reporting.

In June 2023, the National Hub published a new national [information booklet about the child death review process](#), designed for practitioners to share with bereaved parents, carers or other family members.

Next Steps

Maternal and Child Health

- The short-life working group met for the first time in September 2023. A further three meetings are scheduled during 2023-24.

Mental Health Law

- The Scottish Government will consider the proposals and respond officially.

National Hub for Child Death Reviews

- The National Hub will provide a data report on its findings. The first report covering the period October 2021-March 2023 is due in winter 2024.

2.6 Respect for the Views of Children

No	UN Concluding Observation
23a	Ensure the right of all children, including younger children, children with disabilities and children in care, to express their views and to have them taken into account in all decisions affecting them, including in courts and relevant judicial proceedings and regarding domestic violence, custody, placement in alternative care, health, including mental health treatment, education, justice, migration and asylum,
23b	Strengthen measures to promote the meaningful participation of children in family, community and school settings, and in policymaking at local and national levels, including on so-called “reserved matters”, and develop mechanisms to ensure that the outcomes of children’s and youth parliaments are systematically fed into public decision-making.
23c	Ensure that all relevant professionals working with and for children systematically receive appropriate training on the right of the child to be heard and to have his or her opinions taken into account.
40d	Ensure the right of children with disabilities to be heard in all decisions that affect them.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 2.9 - Raising Awareness of Children’s Rights
- Sections 3.13 – Hearing the Views of Individual Children

Progress since November 2022

The Scottish Government is committed to supporting the meaningful and inclusive participation of children and young people and to ensuring that their views are at the heart of decisions that affect them. The UNCRC Act incorporates into Scots law Article 12 of the Convention, which requires that every child has the right and opportunity to express a view in matters that affect them and for their views to be considered. The UNCRC Act is discussed at section 1.2.

Participation at National Level

The Scottish Government is continuing to take steps to ensure that the voices of children and young people are heard at the highest levels of Government. The annual meetings of children and young people with members of the Scottish Cabinet enable children and young people to raise issues that matter to them and to inform the Scottish Government's agenda over the coming year. The most recent meeting took place on 6 June 2023. The issues raised by children and young people included the UNCRC Bill, Climate Change, and friendship in schools. A report was sent to the children and young people who attended. The Children's Parliament and the Scottish Youth Parliament (SYP) continue to inform the development of the event to ensure it is a continuous process of engagement.

Participation of Children and Young People in Policy Development

The Child Rights and Wellbeing Impact Assessment (CRWIA) is continuing to ensure that the views of children and young people are heard in the development of proposed policies and legislation. A [list of CRWIAs](#) prepared and published by the Scottish Government is available on our website.

Developed by the Children's Rights Unit, the Children and Young People's Participation Framework Agreement enables policy areas across the Scottish Government to identify, recruit and engage with contractors that have the skills and expertise required to design and deliver bespoke, high-quality participation activities with children and young people. This will provide a mechanism which will support Scottish Government policy teams to meaningfully and sustainably engage with children and young people as part of decision-making and policy design processes. The Framework went live in January 2024 and will initially run for 3 years before being reviewed.

The Scottish Government has also funded SYP to create a new participation toolkit to support public authorities and Scottish Government officials in engaging with children and young people. [The Right Way](#), which includes learning resources and online training on Article 12, was published in April 2023. The SYP delivered training with the Scottish Government's Executive Team on using the Right Way resource in November 2023.

We also continue to ensure that children and young people's views inform the development of policy. Examples of this are listed below.

Disabled Children and Young People

The Scottish Government has committed to delivering a National Transitions to Adulthood Strategy during this parliamentary term to support disabled young people as they make the transition to adult life. This was reaffirmed in the First Minister's [Policy Prospectus](#) (April 2023). Young disabled people's views are integral to the design and development of the National Transitions to Adulthood Strategy in order for it to be as effective as possible. We have directly engaged with three groups of disabled young people and will ensure that there is sufficient time for the meaningful engagement and participation of more disabled young people throughout the development of the Strategy.

In 2022-23, we provided funding to a sub-group of the Disabled Children and Young People's Advisory Group to:

- identify and develop tools and methodology to support the meaningful engagement and participation of disabled children and young people whose needs are complex and whose voices are rarely heard, and their families; and
- establish what matters to this cohort of disabled children and young people and their families to inform the development of the National Care Service and the National Transitions to Adulthood Strategy.

The learning insights and outputs from this project are available in the [Seen, Heard, Included – Report](#).

Additional Support for Learning in Education

We are determined to improve the educational experiences of children and young people with additional support needs. The [Review of Additional Support for Learning Implementation](#) set a clear direction on how we can continue to build on progress, making recommendations on how to improve implementation of additional support for learning (ASL).

Our [Additional Support for Learning Action Plan](#) with COSLA and ADES, published October 2020, set out the measures we will take to implement the recommendations, including those relating to the participation of children and young people in decisions relating to their additional support needs. An [Updated Additional Support for Learning Action Plan](#) and progress report, published November 2022, highlighted that 24 actions have been fully completed, including the publication of the [Vision Statement for Success](#) for children and young people with additional support needs, which was created by Young Ambassadors. The Additional Support for Learning Network has also been established, ensuring a wide-ranging group of stakeholders are involved in the development and delivery of ASL policy.

We are continuing to progress work to deliver the Action Plan and, while we have made good progress, we recognise that there is a lot more to do. We are working closely with local government partners through the Additional Support for Learning Project Board to deliver the remaining actions and have re-engaged with children and young people and their families to ensure that they are involved in shaping this work.

Education Reform

The [National Discussion on the future of Scottish education](#), which concluded in December 2022, was a generational opportunity for children, young people, and those who support them, to have their voices heard concerning the future direction of Scottish education. Children's rights were firmly grounded in the subsequent vision [All Learners in Scotland Matter](#), published in May 2023, and the accompanying values and call to action.

The Independent Review of Qualifications and Assessment, led by Professor Louise Hayward, was designed to recognise the achievements of all of Scotland's learners. The Hayward Review involved a range of specific communities of interest which was designed to ensure that a representative voice of learners was embedded within the findings and recommendations. The inclusive and participatory approach recognised

the diversity of Scotland’s learners and communities, with community groups specifically seeking to involve people whose voices are seldom heard in policy discussions. The Review recognised that learners, and those that support them, should be at the centre of decisions regarding the reform of qualifications and assessment. The subsequent final report [It’s Our Future – Independent Review of Qualifications and Assessment](#) (June 2023) highlighted a range of principles, the first of which was to “recognise, value and promote the rights and achievements of every learner”.

The Scottish government is committed to reform of our national education bodies. These will be underpinned by values and governance that put learners at the centre, with their perspectives and rights at the heart of decision making.

Scottish Government officials have been working in partnership with Young Scot, who is acting as co-ordinator on behalf of the other four key partner organisations (Children in Scotland, Children’s Parliament, Intercultural Youth Scotland, and Scottish Youth Parliament) to help challenge our thinking, with a view to creating a sustainable mechanism to support our work with children and young people and more firmly place learners at the centre of education policy. The new approach is being co-designed with children and young people.

Mental Health Law

The Scottish Government is currently considering how best to take forward recommendations made by the independent [Scottish Mental Health Law Review](#) (2022). This includes strengthening rights for all those subject to compulsory care and treatment under mental health legislation, which ensures their voices are heard and that they continue to be involved in decisions concerning their care and treatment. The Scottish Government published [Scottish Mental Health Law Review: our response](#) in June 2023. We are now designing a Mental Health and Capacity Reform Programme to take forward a staged approach to legislative change and support wider system improvements. We will publish our first delivery plan in early 2024, setting out the initial priorities for the programme and actions that will be progressed.

Hearing the Views of Individual Children

Section 3.13 of the [Embedding Children’s Rights in Scotland: Position Statement](#) (2022) provides information on processes in place to support and promote the participation of individual children in the decisions that affect them. This includes arrangements in relation to education, including additional support needs, Children’s Hearings, and youth justice.

Through the continued implementation of the Scottish Government’s Getting it right for every child (GIRFEC) approach and the development of best practice, children and young people’s views should be routinely sought by services and practitioners working with them, and should inform the services or support they receive. The GIRFEC approach is clear that all children and young people should be heard and that any condition or disability which may affect a child’s ability to communicate should not prevent them from expressing their views in all matters affecting them. A GIRFEC learning network will be developed to help embed collaborative improvement activity.

Participation of Very Young Children

The Scottish Government has also continued to disseminate and promote the [Voice of the Infant Best Practice Guidelines and Infant Pledge](#) (March 2023) across professional groups and those working with babies and infants. The intention is to provide guidance on how to take account of infants' views and rights in all encounters they may have with professionals in statutory or third sector services, or in public spaces. The Scottish Government also published its new [Mental Health and Wellbeing Strategy](#) in June 2023, followed by the publication of a [Delivery Plan](#) and [Workforce Action Plan](#) (November 2023), all of which include commitments to perinatal and infant mental health supports and services.

Advocacy Support

We are working across the Scottish Government to review existing advocacy arrangements to support children and young people in accessing their rights and to consider if and how we need to strengthen the provision of advocacy for children and young people who need it. We are also supporting the Promise Scotland's work to scope a national lifelong advocacy service for Care Experienced people. The Promise Scotland have produced a scoping report on lifelong advocacy with recommendations. The report was presented to the Scottish Government at the end of 2023 for consideration.

Advocacy in the Children's Hearings System is discussed at section 3.13 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022).

Unaccompanied Asylum-Seeking Children

The Scottish Guardianship Service provides unaccompanied children who have been or are at risk of trafficking with a Guardian to help them navigate life in Scotland and complex asylum and welfare processes. The Service facilitates the Guardianship Young People's Voices Group, which is crucial in providing opportunities for the young people to discuss issues that are important to them with organisations or through advocates. The Scottish Guardianship Service was replaced by a statutory Independent Child Trafficking Guardian service in April 2023, see section 8.1.

Family Law

The [Children \(Scotland\) Act 2020](#) will remove the presumption that a child aged 12 or over is considered mature enough to give their views in decisions relating to parental responsibilities and rights under the [Children \(Scotland\) Act 1995](#), Children's Hearings and adoption and permanence cases. This was in response to concerns that the presumption was leading to the views of younger children not always being heard, which was not the intention when the provision was introduced.

Next Steps

Participation at National Level

- The Scottish Government will continue to support the meetings of children and young people with members of the Scottish Cabinet and Executive Team.

- The Children and Young People Participation Framework, which will support Scottish Government policy teams to meaningfully engage with children and young people, came into operation in January 2024.

Disabled Children and Young People

- We will continue to engage with disabled children and young people in the development of the National Transitions to Adulthood Strategy

Additional Support Needs

- An updated Additional Support for Learning action plan will be published in spring 2024.

Education Reform

- We will continue to develop and implement a comprehensive participation and engagement mechanism which will be realigned to support the education reform programme to ensure that the voices of children and young people are heard and will inform educational change in the system.

Mental Health Law

- We will publish an initial delivery plan for the Mental Health and Capacity Reform Programme in early 2024.

Participation of Very Young Children

- We will continue to disseminate and promote the Voice of the Infant Best Practice Guidelines and Infant Pledge to ensure those who work with babies and very young children uphold our commitment to facilitate infants to express their feelings, and to consider their views, uphold their rights, and take action accordingly. We will also determine how to measure the implementation and impact of the Voice of the Infant Best Practice Guidelines.

Family Law

- We will identify what provisions in the Children (Scotland) Act 2020 in relation to the views of the child can be commenced in the next planned phase of commencement.
- We also plan to review the [Instructions to Child Welfare Reporters](#) and the [Child Welfare Report: Guide](#). When doing this, we will consider what more we could say on the rights of the child and, in particular, the child's views.
- We will also review our guide for children, [Speaking to a Child Welfare Reporter](#), taking account of any feedback we have received on this resource. We also plan to consult on and then publish a guide, based on the guide for children, aimed at children with a lower reading age.

3. Civil Rights and Freedoms

3.1 Right to an Identity

No	Concluding Observation
25	<p>Noting the decision taken by the State party to prevent the implementation of the Gender Recognition Reform (Scotland) Bill, the Committee recommends that the State party recognize the right to identity of lesbian, gay, bisexual, transgender and intersex children, and put in place measures to ensure that all adolescents enjoy their freedom of expression and respect for their physical and psychological integrity, gender identity and emerging autonomy.</p> <p>In this context, the State party should ensure that any decisions regarding systems of gender recognition for children are taken in close consultation with transgender children and in line with children's rights, including the right to be heard and the right to identity, in accordance with their evolving capacities, to free and informed consent and with appropriate safeguards.</p>

Relevant section of Scottish Government's November 2022 Position Statement

- Section 3.2 – Equalities and Inclusion in Relation to Particular Groups

Progress since November 2022

As noted in the Concluding Observations, the intervention of the UK Government using powers under the [Scotland Act 1998](#) prevented the [Gender Recognition Reform \(Scotland\) Bill](#) from proceeding to implementation, despite it being passed by the Scottish Parliament with a large majority in December 2022.

In April 2023, the Scottish Government lodged a petition with the Scottish Court of Session for judicial review of the UK Government's decision. On 8 December 2023, Lady Haldane ruled in favour of the UK Government's pleas in law and dismissed the petition from Scottish Ministers. The Cabinet Secretary for Social Justice, Shirley-Anne Somerville, made a [statement](#) on 20 December 2023 that the decision would not be taken to appeal but that the Scottish Government was still committed to the important reforms in the Bill, which would remain as a Bill passed by the Scottish Parliament.

Next Steps

- Given the intervention of the UK Government, the Gender Recognition Reform (Scotland) Bill cannot proceed at this time. The Scottish Government has offered to work with the UK Government to seek a solution.

3.2 Safeguarding Vulnerable Children Through Prevent

No	UN Concluding Observation
26a	Immediately halting the targeting of certain groups of children in counter-terrorism measures, including through mandatory training of teachers, police and other relevant professional groups on the prohibition of discrimination and the right of children to freedom of expression and religion.
26b	Continuing to assess the impact of the Prevent Strategy on children's rights, and regularly collect and publish data, disaggregated by age, ethnicity and religious affiliation, on children referred to the authorities under the Prevent Strategy, with a view to ending the discriminatory, racial and stigmatizing impact of such measures on children belonging to minority groups.
26c	Ensuring that counter-terrorism measures do not undermine children's rights to freedom of expression, opinion and religion, and that children can exercise these rights without threats or intimidation.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 3.9 – Safeguarding Vulnerable Individuals through PREVENT

Scottish Government Position

Whilst Prevent is a reserved matter, it is delivered in Scotland primarily through devolved sectors. The Scottish Government has developed similar but separate guidance for Prevent Delivery in Scotland, including distinct Prevent Duty Guidance for Scotland and Prevent Multi-Agency Panel Guidance, which is the equivalent of Channel guidance for England and Wales.

The collective focus of Prevent in Scotland is always on the earliest opportunity to build resilience to divisive messaging within extremist narratives and engage with individuals who may be susceptible to becoming a terrorist or supporting terrorism.

There is no fixed profile of someone who may benefit from support in this context and the Scottish Government works closely with key partners to ensure proportionate responses to challenges across a broad spectrum of threat.

Refreshed [Prevent Duty Guidance for Scotland](#), due for publication in 2024, will continue to reflect that key aspects of Prevent delivery in Scotland are rooted in prevention and wellbeing through existing frameworks such as Getting it right for every child (GIRFEC), which is linked to early intervention and improving outcomes for children in Scotland. Prevent work sits within existing structures in Scotland which seek to provide early support to prevent children from harm or the risk of harm.

Through national strategies such as the National Performance Framework and Curriculum for Excellence, practitioners are encouraged through relevant training to provide children with the opportunity to discuss and develop their understanding of wider beliefs and values and how these are fundamental in both local and global communities.

Definition of Extremism

Scotland did not adopt the UK definition of extremism, nor the UK Government Counter-Extremism Strategy. We recently published [research](#) (July 2023) undertaken to improve our understanding of extremism in Scotland in order to ensure our delivery of Prevent reflects the context and needs of Scotland.

Referral Data

Prevent referrals in Scotland are consistently and significantly lower than in England and Wales, with the majority of referrals addressing concerns in the Extreme Right Wing and Mixed/Unclear Ideology space.

Police Scotland publish [Prevent referral data](#) annually on their website. The most recent referral data for 2022-2023 indicates that of the 87 Prevent referrals, 37 (43%) were for concerns related to a mixed, unstable or unclear ideology. Thirty-one referrals (36%) were for concerns related to right-wing extremism, while 10 (11%) were for concerns related to Islamist extremism. The remaining nine referrals (10%) were for concerns assessed as No Prevent Issue. Please note, this is different to being assessed as not being suitable for Prevent Case Management, which was the case for 43 referrals after initial assessment in 2022-23.

Next Steps

- We will continue to take forward the delivery of PREVENT in Scotland, ensuring this is tailored to Scotland's devolved delivery landscape.

3.3 Religious Observance in Schools

No	UN Concluding Observation
26d	Repealing legal provisions for compulsory attendance in collective worship and establishing statutory guidance to ensure the right of all children, including children under 16 years of age, to withdraw from religious classes without parental consent.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 4.1 – Religious Observance in Schools

Scottish Government Position

The Scottish Government is considering its next steps on religious observance in schools to ensure compliance with the UNCRC. The views of children and young people will be important in shaping our considerations on this matter, as well as key stakeholder organisations.

In relation to the current law in Scotland, it should be noted that religious observance is not compulsory. Under current legislation, parents are legally entitled to withdraw their children from religious observance in local authority and grant-aided schools. This is supported by detailed [guidance](#) (2017) which encourages schools to discuss the question of opting out of religious observance with both parents and their children. The guidance states that:

“There is no equivalent statutory right to withdraw afforded to children and young people. However schools should include children and young people in any discussions about aspects of their school experience, ensuring their views are taken into account. Doing so is in line with the Children and Young People (Scotland) Act 2014 and is especially relevant as children and young people become older and take more responsibility for their own learning.”

Additionally, the guidance notes that religious observance (RO) should “be sensitive to individual spiritual needs and beliefs, whether these come from a faith/belief or non-faith perspective... It is of central importance that all pupils and staff can participate with integrity in forms of RO without compromise to their personal beliefs.”

Next Steps

- The Scottish Government is considering its next steps on religious observance in schools to ensure compliance with the UNCRC.

3.4 Freedom of Association and Peaceful Assembly

No	UN Concluding Observation
27a	Strengthen children’s right to freedom of association and peaceful assembly, including by repealing measures in the Police Crime Sentencing and Courts Act 2022 and removing provisions in the Public Order Bill which limit children’s rights to participate in protests;
27b	Strengthen measures to prevent the use of acoustic devices to disperse public gatherings of children (so-called “mosquito devices”), in line with the Committee’s previous recommendations.
27c	Ensure that children are not threatened for exercising their right to freedom of association and peaceful assembly, including for their involvement in climate activism.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 4.3 – Mosquito Anti-Loitering Devices

Scottish Government Position

Right to Freedom of Association and Peaceful Assembly

The Scottish Government has no plans to introduce legislation which replicates the UK [Police, Crime, Sentencing and Courts Act 2022](#) or the [Public Order Act 2023](#) in relation to children’s right to protest.

We support young people to take a healthy and active interest in democracy which includes the right to participate in protests. Their welfare and safety are of paramount importance. The Scottish Government is committed to upholding the important human right to peaceful public assembly and freedom of expression for everyone, including children. We support Police Scotland to facilitate public assemblies and take appropriate and proportionate action to maintain public safety and public order and deal with any antisocial behaviour, disorder or criminality arising from protests.

This includes protecting the safety of those participating in protests, including children, the general public and police officers themselves.

Mosquito Anti-Loitering Devices

The Scottish Government has consistently opposed the use of mosquito devices and considers that the [Antisocial Behaviour etc. \(Scotland\) Act 2004](#) currently provides sufficient measures to help police and local authorities prevent and deal with antisocial behaviour wherever it arises.

As discussed in the [Embedding Children's Rights in Scotland: Position Statement \(2022\)](#), the Scottish Government continues to discourage the use of these devices and has previously engaged with the public and business sectors in Scotland to make our position clear. We also approached the UK Government and UK Health and Safety Executive in 2021 to encourage them to consider the evidence of the impact of mosquito devices and whether a UK-wide ban should be considered. At the time of writing, the UK Government had no plans to introduce a ban, licence or restrict the use of these devices.

As far as we can determine, there is little use of these devices in Scotland. In 2021, the main public sector bodies (local authorities, Police Scotland, British Transport Police and ScotRail) confirmed that they do not use mosquito devices on their sites and Police Scotland and local authorities support multi-agency partnerships to prevent and tackle antisocial behaviour rather than using these devices.

Next Steps

Freedom of Association and Peaceful Assembly

- The Scottish Government has no plans to introduce legislation which would limit the right of children to participate in protests. We will monitor any problems or difficulties that arise through protest activity in Scotland and work with partners to ensure that the right to protest is protected and that everyone, including children, can freely exercise this right.

Mosquito Anti-Loitering Devices

- There is currently no evidence in Scotland which supports the need to take further action in relation to mosquito devices but we will note any evidence that raises concerns about the use of mosquito devices and consider any appropriate and proportionate action that may be required in response.

3.5 Stop and Search

No	UN Concluding Observation
28a	Effectively enforce the prohibition of the use of non-statutory stop-and-search checks against children
28b	Ensure that their statutory use is proportionate and non-discriminatory, including by implementing the best use of stop-and-search scheme, and conducting mandatory training for law enforcement officials.
28c	Improve the monitoring of the use of stop-and-search checks on children, including through the collection and publication of related data, and investigate all allegations of their disproportionate or discriminatory use on children.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 4.4 – Stop and Search

Scottish Government Position

Police Scotland carry out stop and searches in accordance with the [Code of Practice on the use of Stop and Search](#), which came into effect in May 2017 and the use of non-statutory (consensual) search ceased. The Code sets out the circumstances in which a search may be carried out, the procedures to be followed, the record to be kept and the right of someone to receive a copy of that record. The Code of Practice is clear that an individual cannot be stopped and searched because of their age, sex, race (including nationality and ethnic background) or religion.

The Code contains specific guidance on searches of children and young people. It sets out that the police must treat the need to safeguard and promote the wellbeing of that child or young person as a primary consideration in deciding whether to proceed with a search and, where that is deemed necessary, to conduct searches in a way that minimises potential distress. Where a constable believes it to be more harmful to a child or young person to carry out a search than not, then the search should not proceed. To help children and young people understand their rights under the Code, a separate Guide, [Stop and Search in Scotland: What You need to Know – A Guide for Children and Young People](#), was published in May 2017.

Monitoring and Oversight of Stop and Search

All searches carried out are subject to governance and review in line with scrutiny arrangements to confirm they comply with the Code of Practice being lawful, necessary, and proportionate. The Police Scotland Stop and Search Mainstreaming and Assurance Group, which includes representation from the Scottish Police Authority (SPA) and the Scottish Government, meets quarterly to ensure the effective monitoring of stop and search practice. The searching of children and young people continues to be a focus of the Group and stop and search data for young people is reviewed on a monthly basis by Police Scotland. The use of stop and search is also monitored within local police divisions and fed into central oversight.

Police Scotland publish detailed [data in respect of stop and search activity](#) on a quarterly basis. The most recent data covers the period from April 2022 to

March 2023. This publication has allowed for greater confidence in the data and enables more robust and independent scrutiny to be undertaken. Police Scotland are also developing a public facing dashboard which will present the stop and search data already published in a more user friendly and accessible way. This will include the ability to filter the data by a number of factors, including age.

The SPA published a public briefing on [Children and Young People’s Contact with the Police](#) in May 2023, which included data on stop and searches in relation to under 18s. The briefing found that the number of searches of under 18s is showing a downward trend since 2019. The paper also highlighted that there were significantly fewer searches of under 18s per 10,000 population in Scotland than England and Wales. From April 2017 to December 2021, there were 46 searches of under 18s per 10,000 population in Scotland compared to 91 in England and Wales. While there are procedural guidelines in place in England and Wales, the Code of Practice applies only to Scotland.

The Independent Advisory Group on Stop and Search conducted two reviews of the Code of Practice following its publication - a [six-month review](#), published in February 2018, and a [twelve-month review](#), published in June 2019. These reports found that few issues were raised around ethnicity and the vast majority of searches and seizures in Scotland involve people who self-define as belonging to a white ethnic group.

Next Steps

- The Code of Practice on Stop and Search and its use is a matter for Police Scotland. The Scottish Government will continue to work closely with Police Scotland, the SPA, and other stakeholders, both directly and through the Stop and Search Mainstreaming and Assurance Group, to monitor progress, review data, raise concerns and provide feedback.

3.6 Use of Strip Search

No	UN Concluding Observation
30a(ii)	Take legislative measures to explicitly prohibit, without exception, the use of strip searches on children.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 4.4 – Stop and Search

Scottish Government Position

As set out in the [Embedding Children’s Rights in Scotland: Position Statement](#) (2022), the use of strip searching is an operational matter for Police Scotland. Police must ensure that their actions are fully compatible with the young person’s human rights under the UNCRC and have the child’s wellbeing as a primary consideration in deciding whether to proceed. A strip search is undertaken only under circumstances that present concern for the wellbeing of the child or the safety of others, due to concerns over concealed drugs or potentially harmful articles. A strip search does

not necessarily constitute the removal of all clothing. The removal of an item of clothing, shoes etc constitutes a form of strip search.

Police Scotland carry out and record all strip searches in police custody in accordance with the Care and Welfare of Persons in Police Custody Standing Operating Procedures. In all cases involving children, a strip search will only take place with the authority of officer of the rank of Inspector or above. To support the child when a strip search is being carried out within police custody, a responsible person should be present when the strip search is carried out. A strip search can take place without a responsible person if the child has specifically requested this, and the responsible adult agrees.

A Code of Practice on carrying out a stop and search outwith police custody contains detailed guidance on the circumstances in which strip and intimate searches can be carried out and specific provisions on searches of children and young people. Police must ensure that where a search is considered necessary, they must be conducted in a way that respects the child or young person’s dignity and privacy and minimises any potential distress.

The Code of Practice also sets out the requirements to be followed by the Police for recording information in relation to all stop and search activity covered by the Code, including strip searches in the community. Police Scotland publish [data in respect of stop and search activity in the community](#) quarterly online. Further information on the use of stop and search is included at section 3.5.

3.7 Access to Appropriate Information

No	UN Concluding Observation
29a	Continue to improve digital inclusion for children in disadvantaged situations, including through accessible and affordable online services and connectivity, while ensuring that public services remain accessible to children who do not use or have access to digital technologies.
29b	Adopt the Online Safety Bill and ensure that all laws and policies on the digital environment protect the rights, privacy and safety of children in the digital environment and from harmful content and online risks;
29c	Enhance the digital literacy and skills of children, parents, caregivers and teachers, including by incorporating digital literacy into school curricula.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 4.2 – Access to Online Services and Connectivity
- Section 5.4 – Online Safety

Progress since November 2022

Digital Inclusion and Literacy

The Connecting Scotland programme, which was established in 2020 in response to the COVID-19 pandemic, provides individuals with a device, connection with unlimited data for two years, as well as training and support. The programme aligns

with the Scottish Government's target of tackling child poverty and supporting children, young parents with families and low-income households is a policy priority.

During Phase 2 of Connecting Scotland, which was launched in autumn 2020, the programme delivered 17,001 devices for families with children to 247 charities and groups who applied for the funding. The programme also provided 4,116 devices to young care leavers and supported 16 charities and networks. In addition, over 20,000 devices were distributed during Phase 3 of the programme, which was launched in summer 2021, alongside the offer of digital skills support. The largest single cohort of users targeted during Phase 3, was people who were digitally excluded and seeking employment.

The evaluation of [Phase 2 of the Connecting Scotland Programme](#) (2022) showed that dependent children used Connecting Scotland devices to keep up-to-date with schoolwork and to maintain social connections with their peers online. The evaluation of [Phase 3 of the Connecting Scotland programme](#), published in July 2023, showed that 60% of respondents who were actively searching for jobs benefitted from the digital support they received.

Connecting Scotland has expanded its service model to build on the success and learning of the first three phases, resuming delivery in 2023 with two new delivery projects. The projects focused on delivering kit and connectivity to device library and social housing organisations via grant award. Applications for the projects closed on 27 November 2023, with £204,000 in grant funding awarded to a diverse range of projects working to further digital inclusion across Scotland. These projects allow organisations to expand their capacity through the provision of additional kit and connectivity, supporting them in reaching out to more digitally excluded people across Scotland. Research and evaluation will be set up to monitor how the delivery projects are operating, as well as assessing their impact on users' connectivity needs.

In the context of the cost-of-living crisis, additional barriers in relation to affordability of Internet Connectivity have arisen, meaning that those in poverty are struggling to access online services, entertainment, education, and employment. Connecting Scotland is in regular contact with Ofcom, the UK's communications regulator, to provide collated [information on social tariffs in Scotland](#). A new content page has been set up which highlights social tariffs for Scottish consumers to benefit from affordable and sustainable internet packages.

Digital Education Strategy

The Scottish Government is developing a new digital education strategy which will outline the role we believe digital tools and services play in the future of Scottish Education. We continue to work with key partners on development of this strategy to ensure that digital technology remains an important consideration in the delivery of education.

In December 2022, the Scottish Government completed discovery work to establish the current picture of digital devices and infrastructure in schools. Findings from this work continue to be used to support the development of our strategy.

We are working to ensure that all teachers have access to high-quality professional learning to support the delivery of computing in the classroom. This includes computing science conferences run by Education Scotland and monthly “drop-in sessions” for computing science teachers to enable the sharing of best practice. Education Scotland is also providing focused professional learning every school term along with live sessions for learners on Micro:bit and SCRATCH.

We also continue to support the Scottish Teachers Advancing Computing Science (STACS) project, based at the Computing Science Department of Glasgow University. STACS works to support teachers by creating teaching resources and promoting skills and pedagogical development.

Online Safety Act 2023 and Online Safety

The UK Government’s [Online Safety Act 2023](#) establishes a new regulatory regime aimed at ensuring that platforms in scope have systems and processes in place to deal with illegal and harmful content and their associated risk, particularly to children and young people. The Act empowers Ofcom to better regulate internet services and search engines and, in doing so, will make the internet a safer place for users.

The Act extends legislation to Scotland that will make it an offence to communicate encouragement or assistance to someone else to serious self-harm.

While internet safety is a reserved matter, we continue to work with the UK Government to ensure the Act does all it can to keep children safe online. We also continue to work with law enforcement, Ofcom and third sector partners on the implications of this important legislation for Scotland, including responding to relevant Ofcom consultations on the Online Safety Act.

Protecting children online is a key priority for the Scottish Government. This includes both child sexual abuse and sexual exploitation, and our approach to tackling these harms in Scotland reflects the interlinked nature of these issues. The [National Guidance for Child Protection in Scotland](#), published in 2021 and updated in 2023, provides updated information on child sexual abuse and child sexual exploitation to support local areas in Scotland in developing effective, evidence-based responses. The guidance also provides detailed advice for all practitioners who support victims of sexual exploitation.

We are also continuing to work with our partners through the Police Scotland Multi-Agency Preventing Online Child Sexual Abuse and Exploitation Group to inform our approach to enforcement to keep children safe online.

We also recognise the links to our work developing a Framework to challenge men’s demand for prostitution, which is underpinned by a [preventative and holistic approach](#) (and tackling commercial sexual exploitation). Work on the component parts of the Framework is continuing, with more details anticipated in early 2024. In addition, our [refreshed Equally Safe Strategy](#) is cognisant of the need to tackle online violence against women and girls, see section 4.4.

Next Steps

Connecting Scotland

- We will continue to work with partners, such as the Scottish Council for Voluntary Organisations (SCVO), through our digital inclusion projects and programmes to ensure that young children, including their parents, teachers, and care givers, have access to digital services and can thrive in a digital world.
- We will continue to seek out opportunities to support cross-cutting workstreams to ensure that young parents have access to digital services.

Digital Education Strategy

- The Scottish Government will continue to work with partners on the development of a digital strategy for education.
- We are also continuing to work to ensure that all teachers have access to high-quality professional learning to support the delivery of computing in the classroom.

Implementation of the Online Safety Act 2023

- We are continuing to work with the UK Government to ensure the Online Safety Act 2023 does all it can to keep children safe online. We are also continuing to work with law enforcement, Ofcom and third sector partners on the implications of this important legislation for Scotland, including responding to relevant Ofcom consultations on the Act.

4. Violence Against Children

4.1 Use of Electrical Discharge Weapons and Spit Hoods

No	UN Concluding Observation
30a(i)	Take legislative measures to explicitly prohibit, without exception, the use of: (i) harmful devices including spit hoods, tasers, plastic bullets, attenuating energy projectiles and other electrical discharge weapons against children.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 5.10 – Use of Electrical Discharge Weapons

Scottish Government Position

The legal authority on the use of Taser is reserved to Westminster and the decision to deploy it is an operational matter for the Chief Constable of Police Scotland. Police Scotland fully complies with the College of Policing's Code of Practice for Armed Policing and Police use of Less Lethal Weapons and the Authorised Professional Practice for Armed Policing. Police Scotland has no specific policy on the use of Taser involving children. Any use of Taser must meet Police Scotland's criteria for the use of force in that it must be proportionate, legal, accountable, absolutely necessary, and ethical.

Police Scotland set-up a National Taser Advisory Group, which met for the first time in February 2022. It contains a number of groups representing areas of the community such as disability, mental health, children's rights, and human rights. The key function of the Group is to act as a critical friend to advise on the impact Taser may have on their areas and how that might be mitigated.

Prior to June 2018, only authorised firearms officers were equipped with Taser. In response to an increase in assaults on officers, the decision was taken to introduce Specially Trained Officers (STOs) in the use of Taser. There are 1794 STOs, around 10.8% of total police numbers, trained in the use of these devices, although not all will be on duty at the same time. These officers have undergone rigorous training, including scenarios linked to vulnerable people and protected characteristic groups. A number of factors are highlighted in the training which may influence the operational use of Taser; these include children and vulnerable people.

The use of Taser is subject to rigorous monitoring and review with every discharge referred to the independent Police Investigations and Review Commissioner (PIRC) who may decide to carry out an independent investigation into the incident. Police Scotland is also subject to scrutiny by the Policing Performance Committee of the Scottish Police Authority (SPA) and is accountable through the SPA and Scottish Ministers to the Scottish Parliament.

Use of Spit Hoods

Police Scotland are not prescriptive about where, when and on whom spit hoods should be used. Spit hoods are applied on the discretion of the officers involved and only in circumstances where the actions of the subject are such that they represent a significant risk to the safety of the officer. All officers undertake

detailed training on the use of spit hoods before they are authorised to use the equipment. Officers must be able to justify their actions by demonstrating that the use of the spit hood was reasonable, proportionate (in the circumstances) and absolutely necessary (to achieve a lawful objective).

Spit hoods are used infrequently by Police Scotland and are subject to robust recording measures through the custody system. Police Scotland will continue to ensure that the use of spit hoods is closely monitored and that there is appropriate guidance on the need for proportionality and necessity.

Next Steps

- The Scottish Government currently has no plans to review the use of Taser by Police Scotland. Any recommendations made following an investigation by PIRC into incidents involving Taser will be carefully considered.
- Police Scotland will continue to ensure that the use of spit hoods is closely monitored and that there is appropriate guidance on the need for proportionality and necessity.

4.2 Use of Restraint

No	Concluding Observation
30 a(iii)	Take legislative measures to explicitly prohibit, without exception, the use of solitary confinement, isolation, seclusion and restraint as disciplinary measures in schools and alternative care and health settings;
30b	Develop statutory guidance on the use of restraint on children to ensure it is used only as a measure of last resort and exclusively to prevent harm to the child or others, and monitor its implementation
30c	Investigate all cases of abuse and maltreatment of children in alternative care and health settings, particularly among children with disabilities, adequately sanction perpetrators and provide reparation to victims.
47j	Explicitly prohibit the use of restraint and seclusion in educational settings and adopt a child rights-based approach to addressing violence or other disturbances in schools, including by prohibiting the presence of police in schools and providing regular training for teachers on relevant guidance for addressing such disturbances in a child-sensitive manner.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 5.11 – Use of Restraint
- Section 9.10 – Secure Care Accommodation

Progress since November 2022

As discussed at section 5.11 of the [Embedding Children’s Rights in Scotland: Position Statement](#) (2022), guidance⁷ and training are in place for staff in education,

⁷ This includes amongst others [Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions](#), which was refreshed in 2017, and the [Holding Safely, A Guide for Residential Child Care Practitioners and Managers about Physically Restraining Children and Young People](#) (2005), which was updated in 2013.

custody, mental health and care settings with reference to controlling and limiting the use of restraint. Any use of restraint must be carried out with regard to the welfare of the child. The use of restraint should always be a last resort in exceptional circumstances when it is the only practicable means of securing the welfare or safety of the child or another person.

Education

The Scottish Government agreed with the Children and Young People's Commissioner and the Equality and Human Rights Commission that non-statutory guidance should be developed as a first step to improve practice in this area. This has been developed carefully, over time, with extensive input from over 30 working group members and partners including the Children and Young People's Commissioner Scotland, young people, parents, staff, local government, and Enable Scotland.

We have concluded a [public consultation](#) on draft guidance which focuses on the rights of the child and makes clear that restraint and seclusion must only ever be used as a last resort to avert an immediate risk of significant harm. We are carefully considering all feedback received, including calls for further legislation in this area.

Strategies and programmes which schools can and do use to improve relationships and behaviour in schools, including the use of Campus Officers, are discussed at section 4.3. Measures to tackle bullying in schools are discussed at section 7.4.

Residential Childcare

The Scottish Government is committed to Keeping The Promise and to working with key partners in the children's residential childcare sector to ensure that, together, we implement its aspirations. The use of restraint should always be a last resort in exceptional circumstances when it is the only practicable means of securing the welfare or safety of the child or another person. We consider that a blended framework of regulation, guidance, practice support and precise reporting is likely to best serve Scotland's children. The use of restraint in residential and secure care is discussed further at section 5.11 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022).

Scottish Prison Service

The Scottish Prison Service (SPS) is committed to the principle of restraint and seclusion being a last resort, utilised when there is a significant risk to the person or others and all alternative strategies have been unsuccessful. For the SPS, the primary legislative framework is the [Prisons and Young Offenders Institutions \(Scotland\) Rules 2011](#), particularly Rule 91, which describes when force can be used against a person in our care. Priority is given towards proactive approaches in which the needs of distressed individuals are identified and met as far as practical, with a view to reducing the need for restraint to take place.

Mental Health Law

The Scottish Government is currently considering recommendations from the Scottish Mental Health Law Review. This includes how we can update and modernise our mental health and capacity legislation to enhance protection of people's rights. Alongside efforts to strengthen the law, the programme will drive

action across mental health services to improve how we can further put human rights into practice. Part of this programme of work will consider specific recommendations to reduce the use of coercive practices, including restraint and seclusion over time within mental health settings.

Investigation of Cases of Abuse and Maltreatment of Children

The investigation of cases of abuse and maltreatment of children in alternative care settings, and the sanctioning of perpetrators, is a matter for the Care Inspectorate as the responsible inspection agency, Child Protection, Police Scotland, and the Crown Office and Procurator Fiscal Service (COPFS).

Next Steps

Education

- A consultation analysis report on the draft restraint and seclusion guidance will be published in 2024. Publication of the guidance will follow shortly thereafter.

Residential Childcare

- The Scottish Government is committed to working with partners to reduce and, where possible, eliminate the use of restraint in respect of children in care. Not only are we exploring definitions of restraint, in order to understand whether existing supports and tools for the residential care workforce remain fit for purpose, we are also seeking to build-up a national picture of learning. This is in order to understand developing and innovative local approaches and identify the key values, principles and enabling environments that have been required to successfully embed trauma-informed care approaches which have eradicated the need for the use of restraint.

Scottish Prison Service

- The SPS is currently implementing a new restraint framework, based around embedding a human rights-based approach into practice, addressing the rights of all involved within an incident. A primary part of this is the pilot study of a new physical intervention curriculum, alongside dedicated Violence and Restraint Reduction Managers and data driven strategies to proactively manage distressed individuals in custody. A pilot was initiated in April 2023, with a decision to widen the scope of the pilot in early 2024. Development of the curriculum has taken account of the views of both operational staff and people in our care.

Mental Health Law

- The Scottish Government is currently establishing a new Reform Programme to update legislation and improve how human rights are embedded in practice across mental health services, including a priority focus on reducing coercion. An initial delivery plan setting out initial actions for implementation will be published in early 2024.

4.3 Equal Protection from Assault

No	UN Concluding Observation
31a	Explicitly prohibit, as a matter of priority, corporal punishment in all settings, including in the home, throughout the State party.
31b	Monitor the implementation and impact of legislation prohibiting corporal punishment, including in Scotland, with a view to informing measures aimed at promoting attitudinal change concerning corporal punishment in all settings.
31c	Strengthen awareness-raising campaigns for parents, teachers and other professionals working with and for children, to promote positive, non-violent and participatory forms of child-rearing.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 5.1 – Equal Protection from Assault

Progress since November 2022

The [Children \(Equal Protection from Assault\) \(Scotland\) Act 2019](#) (2019 Act) abolished the common law defence of “reasonable chastisement” to help bring an end to all forms of physical punishment of children by parents and others caring for or in charge of children in Scotland.

The Scottish Government continues to promote positive parenting via the [Parent Club website](#). Parent Club offers parents and carers tips and advice for all the challenges that family life throws up, from experts and parents and carers who have been there before. The website also hosts our [Family Support Directory](#), which brings together all the helpful organisations, benefits and information that support parents and carers, no matter what their situation or stage their child is at.

In 2012, the Scottish Government published its [National Parenting Strategy](#), which aimed to strengthen the support on offer to parents and make it easier for them to access this support.

The Scottish Government knows that supporting parents is key to improving outcomes for children and young people. We therefore want to build the knowledge, skills, and confidence of parents, so they can be and do the best they can for their children. We want to support parents and carers to be able to lay strong foundations for the loving, nurturing relationships that we know are integral to children’s emotional, physical, socio-economic, and educational wellbeing, without the use of physical punishment. Evidence highlights that strong parent - child relationships with both parents and a low conflict environment are important to children’s outcomes. To support parents and carers in reducing conflict, we have provided core funding to third sector organisations such as Relationships Scotland, The Spark, Shared Parenting Scotland, Fathers Network Scotland, The Cyrenian’s Scottish Centre for Conflict Resolution and Mellow Parenting.

Corporal punishment is prohibited in Scotland’s schools, by virtue of Section 16(1) of the [Standards in Scotland’s Schools etc. Act 2000](#).

The use of Campus Officers is part of a range of strategies and programmes which schools can and do use to improve relationships and behaviour. These include good behaviour management and behaviour support teams; solution orientated approaches and restorative approaches; nurture approaches and programmes to help develop social, emotional, and behavioural skills. Campus officers contribute to a consistent and positive interaction between young people, the police, and the community. This helps promote the wellbeing of young people within the community. The promotion of positive relationships and behaviour in schools is discussed at section 5.1 of the [Embedding Children's Rights in Scotland: Position Statement \(2022\)](#).

Next Steps

- The Scottish Government plans to organise focus groups in 2024 to seek views on the implementation of the 2019 Act. We will also update some of the awareness-raising material produced on the 2019 Act by summer 2024.
- We will continue to regularly review the information contained within Parent Club and the Family Directory to ensure that these resources remain current and continue to meet the needs of parents and carers.
- We are reviewing our National Parenting Strategy to inform a refreshed National Parenting Pathway in 2024-25.

4.4 Abuse, Neglect and Sexual Exploitation and Abuse

No	UN Concluding Observation
33a	Ensure that child protection systems take a child rights-based approach in preventing and addressing cases of abuse and neglect, including psychological violence; that social services and other mechanisms for identifying and supporting children at risk of violence as well as child victims of violence are adequately resourced; and that child victims are fully recognized as victims and have access to community-based, trauma care and child-sensitive support services;
33c	Promptly and effectively investigate and intervene in all cases of violence against children, including domestic violence, sexual exploitation and abuse of children, in and outside the home, in the digital environment, in religious and educational institutions and in alternative care settings, and ensure expert support to child victims and that perpetrators are brought to justice;
33d	Strengthen measures aimed at tackling violence against children, including by implementing the recommendations of the Scottish Child Abuse Inquiry and other relevant inquiries and investigations conducted by independent bodies.
33e	Develop measures aimed at preventing violence against children in alternative care, children with disabilities, asylum-seeking, refugee and migrant children and children belonging to minority groups.
33i	Strengthen efforts to train professionals working with and for children, including social workers, law enforcement authorities and the judiciary, to identify and effectively respond to cases of violence, including sexual exploitation.
33k	Ensure the systematic collection and analysis of data on child protection issues and violence against children to inform the implementation of national strategies on violence and child sexual abuse, including by: (i) creating a national database for missing children; (ii) collecting data on cases that have been reported, investigated and prosecuted; and (iii) ensuring that data on the sexual exploitation and abuse of 16- and 17-year-old children is disaggregated as children.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 5.2 – Child Protection
- Section 5.3 – Child Sexual Exploitation
- Section 5.6 – Gender-based Violence

Progress since November 2022

Child Protection

The revised non-statutory [National Guidance for Child Protection in Scotland](#) 2021 describes the responsibilities and expectations of everyone who works with children, young people and their families in Scotland. The guidance incorporates learning from child protection cases and supports improved cross-agency working and outcomes for children at risk. The Scottish approach to child protection is based upon the protection of children's rights. The principles of the UNCRC are therefore reflected in

the National Guidance, alongside a trauma-informed approach. The Scottish Government published a further [update](#) of the Guidance in August 2023 to ensure that this includes significant legislative, policy and practice changes that have occurred since September 2021 and learning from this period of implementation.

The Guidance also includes a section on learning and development. This makes clear that single- and multi-agency training should be available to promote the knowledge, skills and values needed to support effective child protection work. Local Child Protection Committees are responsible for overseeing training needs within their areas and should have mechanisms in place for the delivery and evaluation of local training.

Following publication of the National Guidance for Child Protection in Scotland 2021, a National Child Protection Guidance Implementation Group was established for a period of two years to provide strategic oversight and offer support to local areas. The final meeting of the Group took place in September 2023.

The Scottish Government is also committed to implementation of the Barnahus model, known in Scotland as Bairns' Hoose. This will ensure that all children in Scotland under the age of 18, who have been victims or witnesses to abuse or significant harm, have access to trauma-informed recovery, support, and justice, see section 4.5. The provision of social workers is discussed at section 5.3 of this report.

Violence Against Women and Girls

A [refreshed Equally Safe Strategy](#) jointly owned by Scottish Government and COSLA for preventing and eradicating violence against women and girls was published on 7 December 2023. Stakeholder engagement to inform the refresh, including with children and young people organisations, was undertaken. The refreshed Strategy continues to recognise the impact of gender-based violence and abuse on children. The Equally Safe Outcomes Framework/Logic Model, which measures progress made, was also part of the work to refresh the Strategy.

The Scottish Government is investing significant levels of funding to support our efforts to combat violence against women and girls. Our Delivering Equally Safe (DES) Fund provides £19 million per annum, supporting 121 projects from 112 organisations that focus on early intervention, prevention, and support services. Through the DES Fund, the Scottish Government supports 83 projects which undertake work with children and young people as part of their funding. Programmes currently being taken forward to raise awareness and promote understanding of gender-based violence amongst young people, include [Equally Safe at School](#) and the Rape Crisis Scotland National Sexual Violence Prevention Programme.

Our Victim Centred Approach Fund (VCAF) will provide £48 million to 23 organisations across Scotland over the period of 2022-2025. The VCAF includes £18.5 million for specialist advocacy support for survivors of gender-based violence. Victim Support Scotland and organisations supporting women and girls, trafficking victims and people from ethnic minorities are also benefitting from the Fund.

The Scottish Government aims to ensure that the funding provided works most effectively to improve outcomes for those using services. An [Independent Strategic Review of Funding and Commissioning of Violence Against Women and Girls Services](#), chaired by Lesley Irving, reported its findings in June 2023. We are considering the report and its recommendations, along with COSLA, local authority partners and wider stakeholders, to ensure a stable footing for funding in the future is developed.

Domestic Abuse

The [Domestic Abuse \(Scotland\) Act 2018](#) creates a specific offence of domestic abuse that covers not just physical abuse but also other forms of psychological abuse and coercive and controlling behaviour. The Act reflects the fact that children are harmed by domestic abuse by providing for a statutory aggravation in relation to behaviour directed at, or likely to adversely affect, a child.

The Scottish Government is continuing to fund programmes to support victim-survivors of domestic abuse and other forms of violence and abuse, including specialist services for children. This includes approximately £2 million from October 2021 to March 2025 for organisations and joint organisation partnerships to deliver the Safe and Together model and training across 11 local authority areas. Safe and Together is a positive approach to ensuring the safety and wellbeing of children living with domestic abuse. We have also invested approximately £1 million from October 2021 to March 2025 towards Children Experiencing Domestic Abuse Recovery (CEDAR) projects, which is a group work model for children who have experienced domestic abuse.

In December 2022, the Scottish Government established a [Domestic Homicide Review Taskforce](#) to lead on the development of Scotland's first national multi-agency Domestic Homicide Review model. Domestic Homicide Reviews aim to learn from the circumstances of domestic abuse related homicides and identify areas for improvement to prevent further deaths. The Taskforce comprises of members from across justice, health, local government, social work, third sector and academia. A model Development Subgroup was established in September 2023 to underpin the work of the Taskforce and develop the detail of the model. The Taskforce published a package of evidence in 2023 which included a review of international domestic homicide review models.

Child Sexual Abuse and Exploitation and Online Safety

The National Guidance for Child Protection in Scotland published in 2021 and updated in 2023, provides information on child sexual abuse and child sexual exploitation to support local areas in Scotland in developing effective, evidence-based responses. The guidance also provides detailed advice for all practitioners who support victims of sexual exploitation. This action is further strengthened by The Promise foundations, the UNCRC Act and Scotland's GIRFEC approach. We are also continuing our funding commitments to strengthen early intervention and prevention to better protect children and young people in Scotland from abuse and neglect.

Protecting children online is a key priority for the Scottish Government. This includes both child sexual abuse and sexual exploitation, and our approach to tackling these

harms in Scotland reflects the interlinked nature of these issues. We are continuing to work with our partners through the Police Scotland Multi-Agency Preventing Online Child Sexual Abuse and Exploitation Group to inform our approach to enforcement to keep children safe online.

The Scottish Government ran a national public awareness campaign in February and March 2022 to support parents and carers to help keep their children safer online. This linked to the Scottish Government's Parent Club website and newly created [Online Safety Hub](#) and [Child Sexual Abuse and Exploitation Hub](#). A survey and evaluation of the campaign demonstrated its positive impact on behaviour.⁸ We re-ran this campaign in February 2023, reinforcing this important messaging. Once again, the campaign performed well, reaching over 900,000 people during the three weeks that it ran. In October 2023, we launched [resources for parents and carers of younger children](#) on the Parent Club website. These provide tips on how to help younger children to stay safe online as well as signposting to age-appropriate online resources for children.

The UK Government's [Online Safety Act 2023](#) establishes a new regulatory regime aimed at ensuring that platforms in scope have systems and processes in place to deal with illegal and harmful content and their associated risk, particularly to children and young people. The Online Safety Act 2023 is discussed at section 3.7.

Child Protection – Data Sources

A national dataset is published on an annual basis to support the publication of the Scottish Government's annual [children's social work statistics](#). The data collection specification has been revised to ensure alignment with the National Guidance for Child Protection in Scotland 2021.

The Scottish Government funded CELCIS to lead on the development of a minimum dataset for Child Protection Committees and has been supporting Child Protection Committees to adopt it. The minimum dataset is a 'package' of data collation, presentation, analysis, reporting, and scrutiny supports. The minimum dataset delivers robust data sets to support child protection improvement, local planning, and service development, and expanded analytical capacity. Version 2 of the minimum dataset, which was launched in June 2021, aligns with the National Guidance for Child Protection in Scotland (2021).

All missing children reported in Scotland are recorded on Police Scotland's Missing Persons Application. Information gathered from a missing episode and return discussion with the child can be assessed and analysed by missing person divisional coordinators. Relevant information can be shared with partners to protect and safeguard a vulnerable child or those at risk of harm.

Scottish Child Abuse Inquiry

The [Independent Inquiry into Child Sexual Abuse](#) (IICSA) applied to arrangements in England and Wales. However, we are reviewing the recommendations made in its final report for their relevance to the Scottish context and system. We are also

⁸ A survey conducted on the campaign showed that it had a strong impact upon behaviour, with nine in ten recognisers of the campaign reporting taking action as a result of it, far exceeding the target set, and the highest rate of any Parent Club campaign.

engaging with other relevant inquiries – for example, we are working closely with the Scottish Football Association on the implementation of the recommendations made by the Independent Review of Child Sexual Abuse in Scottish Football. The Scottish Child Abuse Inquiry is ongoing.

Next Steps

- Although the National Child Protection Guidance Implementation Group met for the final time in September 2023, several pieces of work will continue beyond this date. This includes a monitoring and evaluation workstream, which will provide an analysis on how successful implementation of the Guidance has been to inform any next steps. The analysis is expected to be completed in early 2024.
- A refresh of the Equally Safe Strategy was published in December 2023. A corresponding delivery plan to support implementation of the Strategy will be published in spring 2024.
- We will continue to review and update the online safety messaging on the Scottish Government’s Parent Club website.
- We will continue to work with partners to consider and improve local and national data and evidence around child abuse in Scotland.
- We will review the recommendations made by the Scottish Child Abuse Inquiry as and when these are forthcoming.

4.5 Bairns’ Hoose and Vulnerable Witnesses

No	UN Concluding Observation
33f	Ensure that all children who are victims or witnesses of violence have prompt access to child-sensitive, multisectoral and comprehensive interventions, services and support, including forensic interviews and psychological therapy, with the aim of preventing the secondary victimization of those children, and allocate sufficient resources for the implementation and expansion of the <i>barnahus</i> and similar models.
33g	Ensure a child rights and trauma care-based approach in the provision of support services for victims, including the Bairns’ Hoose standards in Scotland, and that such services and support are also available for, and address the specific needs of, all victims of violence.
33h	Ensure that all child victims of violence, including sexual abuse, are allowed as child witnesses to provide video recorded evidence for testimony and cross-examination during the pre-trial stage as a default process in judicial procedures under Sections 21 and 28 of the Youth Justice and Criminal Evidence Act, and that they have access to appropriate therapy without delay.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 5.5 – Vulnerable Witnesses

Progress since November 2022

Bairns' Hoose

The Bairns' Hoose is a transformational, whole-system approach to delivering child protection, justice, and health support and services to child victims and witnesses of abuse and harm. Our vision for Bairns' Hoose is that all children in Scotland who have been victims or witnesses of abuse or violence, as well as children under the age of criminal responsibility, whose behaviour has caused significant harm or abuse, will have access to trauma-informed recovery, support, and justice. As set out in our Refreshed [Vision, Values and Approach](#) (June 2023), the Scottish approach to Barnahus is based on the key principles that Bairns' Hoose is there to uphold children's rights and that the best interests of the child must be a primary consideration in all actions concerning them.

The Bairns' Hoose will bring together services in a 'four rooms' approach with child protection, health, justice, and recovery services available in one setting. A key aim of the model is to reduce the number of times children have to recount their experiences. Scotland-specific [Bairns' Hoose Standards](#), developed in conjunction with Healthcare Improvement Scotland and the Care Inspectorate, were published in May 2023. The Standards are based on the European Barnahus PROMISE Quality Standards which reflect best practice from the Nordic countries. The Standards have been informed by the views of children and young people with lived experience of child protection and the justice system.

We have introduced a three-phased approach to Bairns' Hoose, beginning with the Pathfinder phase from 2023-25, which will allow for the testing of the national Bairns' Hoose Standards; followed by a pilot phase before national roll-out. The Pathfinder phase is described in our [Bairns' Hoose – Project Plan: Progress Report and Pathfinder Delivery Plan](#), which was published in June 2023.

Six Pathfinder partnerships, comprising of collaborations across Health, Social Work and Police with demonstratable links with third sector and education partners, were announced in October 2023. The participation and engagement of children and young people was an essential criterion for Pathfinder applicants, to ensure that the voice of the child is considered in the design and development of Bairns' Hoose and its services.

We invested approximately £3.5 million to support the Pathfinder phase in 2023-24, with approximately £6 million expected to be available in 2024-25.

The Scottish Government is also providing grant funding to the Children and Young People's Centre for Justice (CYCJ) to carry out a scoping project for therapeutic and recovery services. A project report is expected to be published by March 2024.

Vulnerable Witnesses

Bairns' Hoose will build on the momentum of the new Scottish Child Interview Model (SCIM) for Joint Investigative Interviews, which will be seen as part of the 'justice room' of the Bairns' Hoose. The SCIM delivers an interview process that secures the child's best evidence at the earliest opportunity and minimises the risk of further re-traumatisation. This ground-breaking approach to interviews for vulnerable child

victims and witnesses is currently being rolled-out across Scotland, supported by £2 million of Scottish Government funding in 2021-24, with further commitment of £750k in 2024-25 to support SCIM partners to develop sustainable, long-term structures.

The Scottish Government is also progressing the phased implementation of the [Vulnerable Witnesses \(Criminal Evidence\)\(Scotland\) Act 2019](#) (“the 2019 Act”), which establishes a legislative presumption that the evidence of child and adult vulnerable witnesses in cases which involve specific offences will be pre-recorded ahead of trial except in certain circumstances which include where doing so would give rise to a significant risk of prejudice to the fairness of proceedings.

Our phased approach involves rolling the presumption out to different cohorts of vulnerable witnesses in stages based on an [Implementation Plan](#) that has been agreed with justice partners. This Plan prioritises roll-out of the presumption to child complainers and witnesses. To date, the presumption has been introduced for children giving evidence in the High Court with work underway to extend the presumption to child complainers and witnesses giving evidence in sheriff and jury trials.

Next Steps

Bairns’ Hoose

- The Scottish Government will publish a Pathfinder findings report with a set of conclusions to act as a baseline for the Pilot phase in 2025.
- Also in 2025, we will have an initial blueprint for the Bairns’ Hoose model in Scotland and will develop a Delivery Plan for the Pilot Programme.

Vulnerable Witnesses

- The Scottish Government has provided grant funding to the Children and Young People’s Centre for Justice (CYCJ) to evaluate the impact of the Scottish Child Interview Model on the experiences and outcomes for children and young people. The evaluation will also look at the impact this new form of Joint Investigative Interview has had on pre-recorded evidence being used as evidence-in-chief when cases go to court.
- It is expected that the Scottish Child Interview Model will be introduced to every area of Scotland by end of 2024.

4.6 Violence Prevention

No	UN Concluding Observation
34a (i) – (iv)	Prevent and combat gang-related violence and knife crime, and protect children from such violence, including by: (i) addressing the social factors and root causes of gang-related violence and knife crime among adolescents; (ii) establishing child-sensitive early warning mechanisms for children who seek protection against violence of gangs; (iii) adopting programmes that provide children in gangs with assistance and protection to leave gangs and be reintegrated into society; and (iv) putting an end to the recruitment of children as informants for law enforcement and intelligence bodies;
34b	Strengthen measures to protect children from intimidation, racist attacks and other forms of violence committed by non-State actors, and from recruitment by such actors into violent activities.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 5.4 – Online Safety
- Section 5.9 – Use of Children as Covert Human Intelligence Sources
- Section 9.3 – Reducing Violence and Offending Behaviour

Progress since November 2022

The Scottish Government is committed to ensuring that robust child protection measures are in place across Scotland and continue to be followed at all times. The revised [National Guidance for Child Protection in Scotland](#) (2021), which was further [updated](#) in August 2023, sets out processes to be followed if any child is at risk of harm. Child protection processes are discussed further at section 4.4 of the report.

The Scottish Government published the first ever [Violence Prevention Framework for Scotland](#) in May 2023. The Framework draws on the [evidence and research](#) available on violence and what works to prevent it. The Framework includes priority actions which are being taken forward in partnership with Scottish Government grant funded stakeholder organisations, including the Scottish Violence Reduction Unit, to help build safer communities.

The Framework supports a ‘public health’ preventative approach, which focuses on prevention, early and targeted intervention and partnership working to help achieve the overarching aims to prevent violence occurring in the first instance; and to reduce the harm as and when it does occur.

Children as Covert Human Intelligence Sources (CHIS)

Consideration is being given to updating the Covert Human Intelligence Sources Code of Practice. Additional safeguards (compared to adults) exist currently in relation to the regulatory framework for the authorisation of juvenile covert human intelligence sources. These will be reinforced in more detail in the revised Code of Practice. The authorisation and subsequent management of all CHIS, including juveniles, is overseen by the independent, judicially-led Investigatory Powers Commissioner’s Office.

Next Steps

Violence Prevention Framework

- The Scottish Government is funding violence reduction partner organisations, including the work of the Scottish Violence Reduction Unit and YouthLink Scotland's No Knives, Better Lives programme, with over £2 million during 2023-24, to provide prevention and targeted interventions to build resilience and empower individuals and communities to live free from violence. Funded organisations are taking forward activity within the context of the Violence Prevention Framework and are contributing to the delivery of the Framework's initial 14 priority actions.
- During 2023, the Scottish Violence Reduction Unit is leading work in partnership with YouthLink Scotland, Police Scotland and other partners, to deliver possible solutions specifically aimed at targeting weapon carrying amongst some young people, and older people with histories of violence. Progress towards this will be updated in the Violence Prevention Framework Annual Report, the first of which is expected to be published in autumn 2024.
- As well as the Violence Prevention Framework Annual Report, the Scottish Government is developing a measurement framework, which will assess progress made in implementing the actions in the Violence Prevention Framework.

4.7 Harmful Practices

No	UN Concluding Observation
35a	Develop national strategies aimed at eliminating and preventing harmful practices affecting children, including child marriage, female genital mutilation and violence committed in the name of so-called honour, and ensure that it includes effective measures for raising public awareness, training relevant professional groups, identifying victims and addressing data gaps and low rates of reporting and prosecution.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 5.7 – Honour-based Violence

Progress since November 2022

So-called "honour-based violence" covers a range of behaviours including Forced Marriage and Female Genital Mutilation (FGM). Honour-based violence is directly referenced in the Equally Safe Strategy, in recognition that these practices abuse the human rights of women and girls and are a form of gender-based violence. The [Equally Safe Strategy](#) was refreshed at the end of 2023. The Strategy continues to recognise the impact of gender-based violence and abuse on all children, see section 4.4.

The Scottish Government is committed to tackling honour-based violence and the specific concerns of minority ethnic women in relation to violence against women and girls. To support this work, we have established a network comprising of key minority ethnic women stakeholders who will help shape our approach. We have

engaged with the network as part of our refresh of the Equally Safe Strategy. The network will also inform our work in relation to honour-based abuse, FGM and forced marriage.

The [Female Genital Mutilation \(Protection and Guidance\)\(Scotland\) Act 2020](#) (2020 Act) seeks to strengthen the existing legislative framework for protecting women and girls from FGM through FGM Protection Orders and statutory guidance. We will continue to work with stakeholders to ensure effective implementation of the 2020 Act.

The [Forced Marriage etc. \(Protection and Jurisdiction\)\(Scotland\) Act 2011](#) (2011 Act) provides civil remedies for those at risk of forced marriage, and those who have already been forced into marriage. The Scottish Government is currently developing refreshed statutory guidance on Forced Marriage. Consultation has taken place with a wide range of stakeholders, including third sector specialists working with minority ethnic women and local government leadership groups, to ensure its suitability for purpose.

To date, there have been no prosecutions under the 2011 Act. From 2017-18 to 2021-22, there have been 11 Forced Marriage Protection Orders registrations and six Forced Marriage Protection Orders granted at the Sheriff Courts.

Age of Marriage

The age of marriage in Scotland is discussed at section 1.16.

Funding

Through our Delivering Equally Safe Fund, the Scottish Government provides funding to a number of organisations for projects and services related to forced marriage, FGM, honour-based abuse and children who have experienced violence against women. These include AMINA –The Muslim Women’s Resource Centre, Saheliya, Shakti Women’s Aid and Hemat Gryffe. We also fund Scotland’s Domestic Abuse and Forced Marriage Helpline, run by Scottish Women’s Aid, which supports those with experience of, or at risk of, forced marriage.

Next Steps

- We will continue to work with stakeholders to ensure the effective implementation of the FGM (Protection and Guidance) (Scotland) Act 2020.
- The Scottish Government will publish refreshed Forced Marriage statutory guidance.
- Through our Delivering Equally Safe Fund, we are continuing to fund projects relating to forced marriage, FGM and honour-based abuse.

4.8 Ending Conversion Practices

No	UN Concluding Observation
35b	Prohibit the promotion, facilitation and delivery of so-called “conversion therapies” aimed at changing the sexual orientation and gender identity of children, in line with its commitment made in 2018, with particular attention paid to the vulnerabilities of children who may be subject to such harm.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 3.2 – Equalities and Inclusion in Relation to Particular Groups

Progress since November 2022

The Scottish Government remains committed to introducing a Bill on ending conversion practices, including both sexual orientation and gender identity. Our [Ending Conversion Practices in Scotland: Consultation](#) was published on 9 January 2024, and will run until 2 April 2024.

The Scottish Government’s proposals draw on the reports and recommendations of the Scottish Parliament’s Equalities, Human Rights and Civil Justice Committee and the Expert Advisory Group on Ending Conversion Practices (EAG) established by the Scottish Government, as well as legislation passed or underway in other countries, research, stakeholder engagement and evidence from those with personal experience of conversion practices. The Scottish Government is also considering the non-legislative steps it can take to end conversion practices and support those who have experienced them, see section 2.1.

We have provided £108,925 to LGBT Health and Wellbeing for the period 1 April 2022 to 31 March 2024 to fund the delivery of a helpline service which provides support for victims and survivors of conversion practices.

Next Steps

- We will continue to engage with stakeholders throughout the consultation period.
- Consultation responses will be analysed independently, and we will carefully consider this analysis in relation to our legislative proposals for ending conversion practices.
- We are also considering the non-legislative steps that we can take to end conversion practices and support those who have experienced them.

4.9 Support for Intersex Children and Young People

No	UN Concluding Observation
35d	Legally prohibit non-urgent and non-essential (including feminizing or masculinizing) medical or surgical treatment of intersex children before they are of sufficient age or maturity to make their own decisions; ensure that such incidents are investigated and provide redress and psychosocial support to victims; and establish a mechanism to independently monitor implementation of the legal prohibition.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 5.8 – Intersex Children and Young People

Scottish Government Position

The Scottish Government wants to ensure that people and their families who are living with differences in sex development conditions, identify as intersex or have a variation in sex characteristics and require medical care or support through NHS Scotland, can access the best possible care. A holistic approach is taken to deliver positive health, care, and wellbeing outcomes.

Surgery within NHS Scotland should only be undertaken where medically necessary, for example, where there is an obstruction, or the variation of sex development has resulted in a high cancer risk. NHS Scotland will not perform any surgery or treatment without prior consent from the patient or someone with parental responsibility. The views of the child (or the parents, if the child is too young to express a view) remain a crucial part of the final decision-making process about their treatment or surgery, if medically necessary.

5. Family Environment and Alternative Care

5.1 Early Learning and Childcare and Flexible Working

No	UN Concluding Observation
36a	Strengthen measures to enable working parents and caregivers to balance their professional and family responsibilities, including by allocating sufficient resources for childcare services, encouraging parents to take parental leave and ensuring access to affordable childcare options for socioeconomically disadvantaged families, families in rural and remote areas and families with irregular work schedules.
36b	Expand eligibility criteria for State-subsidised childcare, to ensure that all children in socioeconomically disadvantaged situations have access to free childcare.
47c	Continue efforts to ensure that all children have access to adequate and affordable early childhood education.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 6.1 – Support for Joint Parenting
- Section 8.9 – Early Learning and Childcare

Progress since November 2022

Expansion of early learning and childcare

Scottish Government investment in high quality Early Learning and Childcare (ELC) aims to achieve three long-term benefits: children's development improves and the poverty-related outcomes gap narrows; family wellbeing improves; and parents' opportunities to take up or sustain work, training, or study increase.

Within the [Programme for Government](#), published in September 2023, the Scottish Government has committed to working with local government and partners in the early learning and childcare sector to expand our childcare offers.

The draft Budget includes funding to provide local authorities with an additional £16 million in year to deliver our Programme for Government commitment to increase pay to £12 per hour for staff in the Private, Voluntary and Independent (PVI) sector who are delivering funded ELC from April 2024. This demonstrates our commitment to the Fair Work agenda, as we remain the only part of the UK to pay ELC staff in the PVI sector the real Living Wage. This could mean an increase of around £2,000 per year for eligible staff who are working full time.

We will also provide the funding to expand the innovative childminder recruitment pilots developed with the Scottish Childminding Association to grow this essential part of the workforce by 1,000 more by 2026-27.

We recognise how important both early learning and school age childcare are for parents, especially those experiencing poverty. That is why we are already delivering school age childcare services to around 1,000 priority families through our early adopter work in Glasgow, Dundee, Clackmannanshire, and Inverclyde - and through

our Access to Childcare Fund projects. We are also supporting 2700 families to access funded breakfast, after school and holiday clubs through our partnership with the Scottish Football Association.

Over the next year, we will expand our early adopter work to include Fife and Shetland and also to broaden the work to include younger children, to co-design local systems of funded childcare for families who need it most.

In parallel, we will focus on planning for a further expansion of our national offer of ELC for eligible two year olds. We already offer 1140 hours of high quality ELC to around a quarter of families with a two year old who experience the most disadvantage. We will continue to work with local authorities and our partners in the sector to support up-take of the existing two year old offer, to ensure as many children as possible receive the benefits of high quality ELC. We will begin to design and test digital services that will give parents and carers greater scope to manage and choose their childcare.

Building on the work of our early adopter communities and the Scottish Football Association, we will continue to design and deliver holiday activity, food and childcare provision to meet the needs of low-income families. We will continue to take a place-based and people-centred approach to co-design childcare offers within the early adopter communities, targeted at families who need it most.

On 4 October 2023, we launched the [Delivery Framework](#), which sets out our approach to delivering a system of affordable and accessible school age childcare. We have also co-designed a [National Children's Charter for School Age Childcare](#) with children from five schools across Scotland, and a young carers' group. The Charter sets out why school age childcare is needed, how and where school age childcare services should be run, who should provide school age childcare services, and which activities should take place.

Implementation of existing 1140 offer

Since August 2021, all councils have been offering 1,140 hours of funded ELC to all eligible children, making high quality ELC available to families. All three and four year olds, as well as eligible two year olds – those we believe will benefit most – now have a statutory entitlement of up to 1,140 hours per year of funded ELC. If families paid for this offer themselves, it would cost them around £5,000 per eligible child per year.

A range of [research](#) shows that attending high quality ELC improves outcomes for all children and the children facing the most disadvantage benefit the most. That is why we target early access to funded ELC at age two to children in families facing the most disadvantage. This includes children in households that receive low or no income benefits, children with care experience, and children whose parents have care experience themselves.

Flexibility and choice

The 1,140 offer is provided through a Funding Follows the Child model, and flexibility and choice are fundamental to this offer. The [Children and Young People \(Scotland\) Act 2014](#) requires local authorities to consult with parents about their childcare needs

to ensure that there is an element of local flexibility, reflecting local needs, in the availability of funded ELC. While this will not always result in all families receiving exactly the provision of funded ELC that they want, it should ensure there is a reasonable balance and mix of provision available locally so parents can access provision that works for their family and circumstances.

The most recent ELC Census shows that estimated up-take of the universal offer is still very high, at 97% for three and four year olds in September 2023. Independent [research](#) published in December 2022 found that 88% of families with a 3-5 year-old child in funded ELC were satisfied that they could access this in a way that meets their needs.

As of 1 August 2023, all children who defer starting primary school have been able to access an additional year of funded ELC, allowing families to make decisions for their child without the financial barrier of ELC costs. This is an important step in supporting parents to make decisions in the best interests of their child, rather than being concerned about the costs of ELC.

We recognise the specific challenges for rural and island communities and that the provision of childcare is a key factor to support more people to enter and sustain training, employment and starting a business right across Scotland. In August 2022, following extensive consultation, the Scottish Government announced that we would support a range of “Practical Policy Tests” that would help to inform the Addressing Depopulation Action Plan. We engaged with rural and island local authorities and communities on the potential for delivering projects that would look to understand the provision, demand (current and potential), challenges, and opportunities for models of delivery across the spectrum of childcare. The Scottish Government will consider the findings of these policy tests within the context of the section on childcare within the Addressing Depopulation Action Plan, which will map out what Scottish Government and delivery partners will do to support population attraction and retention within the parts of Scotland which are affected by population decline.

We are also working to increase the number of childminders operating across Scotland, particularly in rural and island communities, to ensure that more families have access to the unique, flexible, and tailored experience of childcare that childminders can offer. This work includes supporting an innovative childminder recruitment pilot being led by the Scottish Childminding Association (SCMA) and partners, aiming to recruit and train new professional childminders in urban, rural and island communities across Scotland. Support for this innovative work was further enhanced in the [Programme for Government](#) (2023), where a commitment was made to expand the existing recruitment and retention pilots and grow this essential part of the workforce by 1000 more.

Funding Follows the Child

To ensure that the funded ELC entitlement is delivered in high quality settings, ‘Funding Follows the Child’ has been introduced. This approach is ‘provider neutral’, with all settings wishing to deliver funded ELC having to meet the same National Standard. This will empower families to choose from a range of high-quality early learning and childcare providers in the public, private or third sector, including

childminders. An updated version of the Funding Follows the Child and National Standard Operating Guidance was published in December 2023.

Eligibility

We want to ensure that we take a consistent approach to determining eligibility for all our childcare offers in order to maximise the opportunities to support children and families out of poverty, based on evidenced need. As we develop eligibility for the new offers set out in our Programme for Government, we will listen to families, look at the evidence and engage with local government and our partners in the sector so that we can develop eligibility criteria based around what will have greatest impact. Our Access to Childcare Fund and early adopting community projects are providing useful data and evidence to support this work.

Flexible Working for Employees

While the legal powers governing flexible working are currently reserved to Westminster, the Scottish Government is committed to working with employers directly and through their representative bodies to explore ways of promoting and encouraging flexible, agile, and inclusive workplaces that benefit all employees. In 2022-23, the Scottish Government provided £222,000 in funding to flexible working experts, Flexibility Works, to promote and support employers across Scotland to adopt flexible workplaces. A further £153,575 has been committed in 2023-24 to continue this work.

The Scottish Government has committed to ensure that families who sadly experience miscarriage or stillbirth are entitled to three days of paid leave. We will aim to implement this commitment within the public sector and are calling on the UK Government to make the necessary changes to employment law to make this available for everyone.

Next Steps

Early Learning and Childcare

- Over the next year, we will work with local government and partners in the early learning and childcare sector to plan for expansion to our childcare offers.
- In 2024-25, we will continue to invest £996.5 million in high quality funded ELC. This will ensure councils can continue to deliver 1,140 hours of high quality funded ELC to all eligible children, helping to give them the best start in life. Scotland is the only part of the UK to offer 1,140 hours a year of funded ELC to all three and four-year-olds and eligible two-year-olds regardless of their parents' working status - putting children first.

Flexible Working

- We will continue to apply our Fair Work criteria to public sector grants, and other funding and contracts where it is relevant and proportionate to do so. As part of this, employers are being asked to commit to offer flexible and family friendly working to all workers from day one of employment. Fair Work First criteria have been applied to some £4 billion worth of public sector funding since 2019.

5.2 Young Carers

No	UN Concluding Observation
36c	Train professionals working with and for children, including teachers, to identify “young carers”, and provide their families with the support necessary to relieve such children of their responsibilities.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 6.7 – Young Carers

Progress since November 2022

A range of support is currently available for Scotland’s young carers. This includes provisions in the [Carers \(Scotland\) Act 2016](#), which provide for their right to a young carer statement, to identify each young carer’s personal outcomes so that their eligible needs are supported. Local authorities must also consider whether the support provided to a carer should take the form of or include a break from caring.

In December 2022, the Scottish Government published the [National Carers Strategy](#) which set out 89 actions, a mixture of new activity and improving current approaches, to further support Scotland’s unpaid carers. A Young Carer Working Group will focus on the implementation of the Strategy actions that directly impact young carers and feed this work into the Carers Rights and Support Steering Group.

Education

The Scottish Government continues to fund a full time Education Officer post at Carers Trust Scotland. The Education Officer works with Education Scotland, the General Teaching Council for Scotland, Scottish Qualifications Authority, and local authorities to help ensure education staff, and other relevant professionals, are aware of young carers and able to support them appropriately.

In March 2023, the Scottish Government, Carers Trust Scotland, and Education Scotland launched a new e-module to help all education staff better understand how they can identify and support young carers. The module is fully accredited by Education Scotland, allowing teachers to incorporate this into their Continuing Professional Development. This has been positively received by the education community and is set to receive additions based on feedback from teachers and young carers and should be re-launched with these new additions in spring 2024.

Also in March 2023, the definition of “young carer” in the SEEMIS (Scottish Education Information Management) system was updated in line with the Carers (Scotland) Act 2016 definition. It is hoped that now this broader definition is in use, more young carers can be identified and recorded by teachers and offered support.

School Nurse, Health, and Social Care Staff

The role of a school nurse centres around 10 priority areas for intervention which can influence poor health in later life. Young carers have been identified as one of the priority areas for the school nurse role. Once a young carer is referred to a school nurse with concerns, the nurse may complete a GIRFEC wellbeing assessment, support referrals on to specialist services when needed, and support with transitions.

We are working with internal and external stakeholders, including Carers Trust Scotland, young carer services and Young Scot, to ensure that young carers are aware of the support they can receive from their school nurse, and to help build positive working relationships between school nurses and their local young carer services. This work is in its early stages but will continue in the coming months.

In addition to this, in June 2022, we launched an [educational animation](#) which aims to help all health care staff identify and support young carers. The animation was created by the Scottish Government and NHS Education for Scotland (NES) with significant input from young carers. We are now working with NES on how we can capitalise on this work and progress the sharing and use of this resource, as well as monitoring the impact this work is having for young carers.

Further to this, NES has refreshed their Equal Partners in Care (ePIC) learning module. This is a learning resource for health and social care staff which will help them (and the staff or students they support) to have better conversations and interactions with carers. The aim is to make a positive difference and improve outcomes for carers and the people they care for. Previously this resource only focused on adult carers but now includes information about young carers woven throughout. The resource was launched in January 2024.

Next Steps

- We will develop a monitoring mechanism with annual reporting and review points to track progress against the 89 actions within the National Carers Strategy, with particular focus on the actions linked to supporting young carers at key transitional points in their lives.
- We will continue to assist professionals, particularly those working in education, health, and social care, to better identify and support young carers.
- We will continue to monitor the number of young carers registered on SEEMIS and work with the Education Officer to identify any local areas which appear to have a low registration rate.
- We will continue to engage with young carers and those who support them through the various existing stakeholder groups.

5.3 Looked After Children – Early Intervention and Prevention

No	UN Concluding Observation
38a	Invest in measures to prevent and reduce the number of children placed in alternative care, including by allocating sufficient resources for early intervention and preventive services, including for infants and toddlers, increasing and strengthening the number of trained social workers, and improving multiagency coordination;
38f	Allocate sufficient funds for family- and community-based care options for children who cannot stay with their families, and facilitate the reintegration of children into their families and communities whenever possible;

Relevant section of Scottish Government's November 2022 Position Statement

- Section 6.2 – Early Intervention/Prevention
- Section 6.3 – Looked After Children and Young People

Progress Since November 2022

Early Intervention and Prevention

£32 million of Whole Family Wellbeing Funding (WFWF) has been allocated to Children's Services Planning Partnerships (CSPPs) to transform family support services. This funding is being provided on a recurring basis (for each financial year) from 2022-23 to 2025-26 and is focused on delivering the system changes required to shift investment towards early intervention and prevention activities, therefore ensuring that families can access support before they reach crisis point. This is a critical part of how the Scottish Government will #KeepthePromise by ensuring families can access the support they need, where and when they need it. The Scottish Government is supporting CSPPs in taking forward this work through a:

- 'Supporting Families – A National Self-Assessment Toolkit for Change', in partnership with stakeholders, to support CSPPs in the design and delivery of holistic whole family support.
- Learning into Action Network that enables the sharing of learning, facilitation of peer support and collaboration.
- dedicated national support team which is working directly with three CSPP areas (East Ayrshire, East Lothian, and Glasgow City) to accelerate plans and provide local learning that can be shared nationally.

The Scottish Government has commissioned external evaluations to help ensure WFWF is making a positive impact on outcomes for children, young people, and families. A [full evaluation report of Year 1](#) was published in January 2024. The evaluation is based on evidence from annual statutory Children's Services Plan reports and qualitative research with frontline service staff, CSP strategic leads, and children, young people, and families.

Overall, CSPPs saw the WFWF as beneficial and expressed that the funding approach afforded the autonomy and flexibility they needed to tailor their whole family support activities to local needs and align them with their broader children's services work. The report concludes that substantial progress has been made within and across most CSPPs, as evidenced by their reported progress across the first year, and identifies key enablers and barriers to full implementation.

A Year 2 evaluation, which will cover the period October 2023 to October 2024, has been commissioned. Results are expected to be published by early 2025.

Social Work Recruitment and Retention

Most social workers are employed by local authorities to undertake statutory duties and therefore accountability for their recruitment and retention ultimately lies with local authorities. We recognise, however, that action needs to be taken to address the current pressures in the system and are working to support and invest in the workforce. A national approach to workforce planning is supported by the sector and

should help achieve the optimal future workforce capacity to respond to anticipated demand. A range of activity is underway to help address issues with the recruitment, retention, and training of social work professionals including a Joint Workforce Improvement Plan with COSLA to address immediate workforce issues. We have also formed a Joint Social Care & Social Work/Services Workforce Taskforce (JSST), which is jointly chaired by the Scottish Government and COSLA, with the aim of exploring opportunities to deliver improvements for the adult and children's social care and social work workforce.

Work is also progressing with partners to create a strategic framework for post-qualifying education for all social workers and social work employers by autumn 2024. The Advanced Practice Framework for Social Work (APF) will endorse a series of learning and developmental opportunities to support workforce development and the retention of more experienced workers, by improving opportunities for career progression.

Our proposals for the National Care Service include the establishment of a National Social Work Agency (NSWA) to support and invest in the social work profession. It will provide a single national body with oversight of social work education, training and professional development, and the improvement of social work services.

Support for Foster and Kinship Carers

The Kinship Care Collaborative was established in November 2020 to improve outcomes for children and young people in kinship care and better support their carers and the professionals who work with kinship families.

Work continues to progress national and local improvements to support children living in kinship care. This includes re-writing the existing kinship care guidance for practitioners to reflect updated legislation and growing knowledge and experience of what works in relation to kinship care. This will be published in early 2024. We are also developing a national assessment tool to complement the refreshed guidance. This will improve consistency of approach and practice, which will benefit both practitioners and kinship carers.

For 2023-24, £16 million of additional funding has been given to local authorities to introduce a new Scottish Recommended Allowance (SRA) for foster and kinship carers. This funding enables the allowance to be backdated to 1 April 2023. Benefitting more than 9,000 children, carers across Scotland will receive at least a standard national allowance no matter where they live.

In addition, we provide funding (£534,402 covering June 2023 to May 2025) so that the Kinship Care Advice Service for Scotland (KCASS) can provide information, advice, and support to kinship families across Scotland and develop networks of knowledge for professionals working with them.

We have also awarded £989,258 of Whole Family Wellbeing Funding (£436,267 in 2023-24) to Adoption UK Scotland over three years to pilot a new approach to ensure that kinship carer families get the range of holistic support they need. This has a focus on education and community support, including peer support. The pilot is being developed in North Ayrshire, Midlothian, Aberdeenshire, and East Lothian and,

following a recruitment drive, clinicians and peer support partners have been recruited. A consultation with kinship families was also undertaken at the end of 2023 and referrals for the service in January 2024 have started to be made.

We are making it as easy as possible for kinship carers to apply for the Scottish social security benefits for which they are eligible. Changes were made in November 2022 to the Scottish Child Payment, Best Start Grants and Best Start Foods to extend the definition of kinship care to make it more inclusive and to ensure it is the same across all of the payments. Eligibility for these payments now includes kinship carers who are not related to the child they care for but have a pre-existing relationship with the child.⁹

A programme of trauma training and resources to support alternative caregivers (kinship, foster, supported lodging carers and adoptive parents) is being considered as part of the roll-out of the National Trauma Transformation Programme in 2024-25 and next steps are being explored. This is discussed further at section 5.4.

Next Steps

Whole Family Wellbeing Funding

- The Whole Family Wellbeing Funding (WFWF) will continue to support CSPPs to build on and scale up the transformational change work they have started in 2022-23. In addition, the Learning into Action Network will continue to support CSPPs through its programme of events and sharing of learning. The collaborative partnerships with three CSPP areas will also continue, and activity to support improved commissioning and procurement will be explored.
- We will publish a Whole Family Wellbeing investment strategy to support the provision of preventative, holistic family support. Our ambition is that from 2030, we will be investing at least 5% of all community-based health and social care spend in preventative whole family support measures.
- We will continue to evaluate the programme as we move forward in future years to ensure it meets the WFWF outcomes.

Support for Foster and Kinship Carers

- The Scottish Government is committed to maintaining the 2023-24 levels of support for the Scottish Recommended Allowance (SRA) for foster and kinship care going forward, and to reviewing the funding implications for future years from 2024-25.
- It is our intention to review the impact of the SRA in the future (18 months) and identify any areas where improvements can be made. In the interim, we will use our existing forums, networks, and groups as a feedback mechanism to identify

⁹ To be recognised as a kinship carer for the five family payments, an individual must have a legal order or an agreement with the local authority. Kinship carers who do not have these may still be able to qualify providing they can demonstrate child responsibility by being in receipt of certain reserved benefits.

any obstacles to implementation and help local authorities overcome them.

- We recognise that kinship care can be a complex area and, in line with our commitment to continuously improve how the five family payments operate, we will continue to explore this area with input from our stakeholders and those with lived experience.
- Once the updated guidance is published for [Part 13 of the Children and Young People \(Scotland\) Act 2014](#), it is intended that further guidance will be developed explaining and linking all relevant legislation for children in kinship care at a future point.

5.4 Keeping the Promise

No	UN Concluding Observation
38b	Allocate sufficient resources for the implementation of the recommendations of the independent review of children’s social care, including the provision of advocacy services for all children as an “opt-out”, rather than an “opt-in”, service, with a view to ensuring that all children in alternative care: (i) have access to independent, well-resourced child-friendly advocacy services and specialised support, including mental health and therapeutic services; and (ii) are able to maintain contact with their family members and communities;
38c	Prevent frequent or unnecessary transfers of children in alternative care settings, ensure that children are consistently supported through individualized care plans and by a social worker throughout their time in care, and conduct regular and substantive reviews of placements in care;
38d	Develop a legislative framework for ensuring a child rights-based approach to the support of children who are placed in alternative care far from their place of residence, and ensure that such placements take place only as a measure of last resort;
38e	Prohibit and prevent the placement of children in secure care, residential care homes without appropriate safeguards or unregulated alternative care, including hotels and bed and breakfast accommodation;
38g	Ensure that children are heard in decisions affecting them in alternative care placement throughout their stay, and that relevant authorities and professionals have the technical capacities required to guarantee respect for children’s views in alternative care.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 6.2 – Early Intervention/Prevention
- Section 6.3 – Looked After Children and Young People
- Section 6.4 – Keeping the Promise

Progress since November 2022

Right to be Heard, Advocacy & Specialised Support

The Scottish Government’s [Getting it right for every child](#) guidance on planning for the care and support of children and young people through a GIRFEC Child’s Plan

states that practitioners should seek, have regard to, and act on the views of the child or young person and their family.

We are working across the Scottish Government to review existing advocacy arrangements to support children and young people in accessing their rights and to consider if and how we need to strengthen the provision of advocacy for children and young people who need it. We are also supporting the Promise Scotland's work to scope a national lifelong advocacy service for care-experienced people, which will help them better navigate the system and ensure their voices are heard. The Promise Scotland have produced a scoping report on lifelong advocacy with recommendations. The report was presented to the Scottish Government at the end of 2023 for consideration.

Children and young people also have access to independent advocacy when attending a Children's Hearing through the Scotland-wide Children's Advocacy in Children's Hearings scheme. In addition, as discussed at section 1.14 of this report, children in Scotland continue to have access to the full range of publicly funded legal assistance as provided through the Scottish Legal Aid Board. The Scottish Government also continues to provide funding to organisations who provide free legal and advocacy services for children and young people.

Contact with Family and Friends

The Scottish Government set out Scotland's approach to care in our [Promise Implementation Plan](#) (2022), the first principle of which sets out our commitment to supporting children to develop and strengthen healthy and positive relationships that are important to them. We also took early action in recognition of the importance of sibling relationships, introducing legislation, the [Children \(Scotland\) Act 2020](#) and the [Looked After Children \(Scotland\) Amendment Regulations 2021](#), which place a duty on local authorities to keep sisters and brothers together, where appropriate.

In addition, we convened the Siblings: Staying Together and Connected National Implementation Group in late 2021, to consider the challenges and opportunities in realising the ambitions of this legislation and the practice guidance that was published alongside this to keep brothers and sisters together. The Group published their [Final Report](#), setting out recommendations to the Scottish Government, in June 2023 and work has progressed on some key priorities.

Establishing a national picture of the extent to which siblings are placed together is critical to monitoring the implementation of the 2021 legislation. Therefore, we have introduced four new data categories related to siblings that will be collected by local authorities. This data will help us understand the extent to which children are placed together with their siblings in care.

We are continuing to work with partners to understand what work is now required to raise siblings' awareness of their right to stay connected to their siblings. This includes considering the Government's advocacy offer to children and young people.

The Group published a [Learning, Development and Leadership Framework](#) which aims to ensure that the siblings legislation is understood and acted upon by those coming into contact with care experienced children and young people. We will work

across Government and with key partners to embed the principles and priorities into existing frameworks. This includes training delivered to corporate parents on behalf of the Government, which now includes a focus on sibling relationships.

The Scottish Government will utilise the Community of Practice for siblings that has now been established to discuss and share good practice in this area.

Trauma-informed Care

In [The Promise Implementation Plan](#) (2022), we outlined our vision for delivering A Good Childhood. This includes investing in a comprehensive, continuing programme of training and support to embed learning for Scotland's caregivers, including foster carers. This investment will give caregivers the skills, knowledge, and confidence, including in trauma-informed practice, to nurture the children in their care and build loving, stable relationships.

Through the National Trauma Transformation Programme, the Scottish Government and partners will continue to provide training and implementation support to help embed and sustain trauma-informed workforces, services and care. We will also continue to provide our tailored, trauma-skilled level training and coaching package for priority sectors of the Children and Families workforce with a focus on care experienced children and young people. As set out in section 5.3. we are also exploring the next steps for a programme of trauma training and resources to support alternative caregivers (kinship, foster, supported lodging carers and adoptive parents). The training provided to relevant professionals on children's rights, including the right to be heard, is discussed further at section 1.11 of this report.

Alternative Care Placements

Care placements are regularly reviewed with multi-agency professionals and the child and family are encouraged to share their views on both the plan for their care and the care environment experienced. Children and their families can make complaints about their care placements through the placing local authority and/or to the Care Inspectorate directly.

Transfers from secure care are progressed following existing care plans, for example for an end of sentence, a move to prison or a move back into the community. All transfers are undertaken with planning in place months before the move. There are occasional unexpected moves between secure centres, but this is usually for the protection of the child or other children and all supports are put in place for a smooth transition. There are no unnecessary transfers in secure care, that we are aware of.

Placements Far from Home

In relation to placing children and young people in alternative care situations when they cannot stay at home, the relevant local authority will always make all reasonable efforts to find a placement as close to the child or young person's home area as possible. It is the case, however, that in some situations, for example if a specialist type of placement is not available in a local authority area, a child or young person will be placed outwith their local area. This may be in other localities within Scotland or, on rarer occasions, outwith Scotland. In these circumstances, a child's plan will be prepared which will detail timescales for assessment and actioning of: if a return home is possible for that child or young person; if not, what the planning

process will be for permanent substitute care; the details for contact with the young person's birth family if appropriate; and options for possible continuing care and aftercare (if a young person is of an appropriate age), which may include the young person returning to their local area.

At all stages of this process, the child or young person's views will be taken into account and their rights will be respected in line with the values and principles of Getting it right for every child.

Cross-border Placements

The Scottish Government considers that cross-border placements should only occur in exceptional circumstances where the placement is in the best interests of an individual child.

The Promise is clear that current commercial practices regarding cross-border placements, whereby they are purchased by a local authority in another UK jurisdiction, must end. Section 24 within the [Children \(Care and Justice\)\(Scotland\) Bill](#) (the Care and Justice Bill) will focus on this, by enabling bespoke requirements on new residential providers which plan to accommodate cross-border placements in relation to the notification of those placements ahead of registration with the Care Inspectorate, as well as enhancing the regulatory powers in relation to such providers.

Provisions within section 25 of the Care and Justice Bill provide new regulation-making powers in relation to the recognition and effect of non-Scottish court orders relating to such placements, and to enable appropriate safeguards for the children affected. This will further build on the recent [Deprivation of Liberty \(DOL\) Order Regulations](#), helping to address the complex and varied circumstances that result in such placements in Scotland, enabling appropriate conditions and requirements to be made in relation to those placements in a children's rights-centred way.

A memorandum of understanding (MoU) is in place with England and Wales for placements in secure accommodation. We have also established a four nations MoU concerning DOL placements. This ensures continued focus at national levels to work to meeting the objective of exploring suitable placements in the child's own country before a child is placed in Scotland, wherever that is in the child's best interest. It also ensures monitoring of such placements in Scotland. We will look to extend this to all cross-border placements in residential establishments in due course.

With regard to cross-border placements in secure care, following an English High Court case ruling in 2016 and consent from the Scottish Parliament, amendments were made to the UK [Children and Social Work Act 2017](#) to enable local authorities in England and Wales to continue to be able to place children in secure accommodation in Scotland. This amendment provided a lawful basis for longstanding practice to continue.

Future of Secure Care

The Scottish Government has commissioned the Reimagining Secure Care project to establish a comprehensive understanding of how secure accommodation needs to be reconfigured, taking into consideration the asks from The Promise and the

UNCRC Act. An [interim report on the Reimaging Secure Care project](#) was published on 4 December 2023, with a final report due in late spring 2024.

From 1 January 2023 until 31 March 2023, the Scottish Government funded a three month pilot paying for one bed in each of the four secure centres. The objectives of this trial were to:

- ensure capacity for children living in Scotland when it is needed;
- provide financial support to the centres as we begin discussions around the future of secure care; and
- assess the viability of expanding national funding to meet the longer-term changes required.

This trial has now been extended and expanded. From 23 June 2023 to 31 March 2024, the Scottish Government will pay for up to four beds in each centre (up to £4.6 million). It is hoped that this will provide some financial stability to allow consideration of the changes required to significantly reduce and ultimately end cross-border placements while supporting plans to remove 16 and 17 year-olds from Young Offenders Institutions as outlined in the Care and Justice Bill (see section 8.4).

Regulation of Care Placements

Alternative care placements in Scotland are regulated by the Care Inspectorate, with the exception to this being kinship care, where family or friends care for children. These care placements, including fostering, adoption, and residential and secure care, are all subject to regulation, reporting and inspection measures.

Safeguards are already in place in relation to secure care in Scotland. Any organisation wishing to operate as a secure accommodation service must seek approval from Scottish Ministers. If approved, they must also be registered with the Care Inspectorate to provide such a service. Separate registration must also be sought in respect of education services provided. Once registered, services are regularly monitored and evaluated, including through inspections, to ensure they are continuing to provide the highest standard of care and education.

Next Steps

- We will continue to take forward our commitment to Keep the Promise.

5.5 Support for Young People Leaving Alternative Care

No	Concluding Observation
38h	Strengthen measures, including through increased funding, aimed at providing education, skills, housing and opportunities for independent living for children leaving alternative care.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 6.5 – Support for Young People Leaving Care

Progress since November 2022

[Children's Social Work Statistics Scotland for 2021-22](#) show an increase in the number of young people in continuing care and the number in receipt of aftercare: 696 young people were in continuing care in July 2022, an increase of 24% from the previous year, whilst 4,108 were in receipt of aftercare, an increase of 5% from the previous year.

The Scottish Government has committed to launching a consultation in 2024 on support for care experienced young people as they reach adulthood. In addition, guidance on continuing care will be updated to improve clarity and consistency for organisations, practitioners, and young people. The refreshed guidance will take into account recommendations in [Continuing Care: An Exploration of Implementation](#) (Centre for Excellence for Children's Care and Protection, 2022) and the [Youth Homelessness Prevention Pathway: Improving Care Leavers Housing Pathways](#) (2019).

Care Leaver Payment

The Scottish Government has committed to developing a payment to provide young people leaving care with additional financial security. The proposed Care Leaver Payment, previously referred to as the Care Experience Grant, will provide a one-off payment for young people leaving care, with the intention of helping to reduce some of the financial barriers that young people face in transition to adulthood and more independent living.

A public [consultation on the proposed Care Leaver Payment](#) was published in autumn 2023. The payment will form part of a broader package of support which includes: access to continuing care and aftercare support for care leavers; the Care Experience Bursary, which enables Care Experienced people of any age to access further and higher education; and Council Tax Exemption. Measures to support young care leavers into housing are discussed at section 7.38 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022).

Next Steps

Guidance Refresh

- We plan to publish refreshed guidance, informed by engagement with stakeholders, in summer 2024.

Care Leaver Payment

- The Social Security (Amendment) (Scotland) Bill is currently at Stage 1 in the parliamentary process. This Bill contains a provision which will provide Scottish Ministers with the powers to establish one or more schemes to provide care experience assistance to people with care experience. This legislation will be used to deliver the Care Leaver Payment.
- Following the public consultation, details of the proposed Care Leaver Payment will be developed further and set out in regulations.

5.6 Children of Incarcerated Parents

No	UN Concluding Observation
39a	Ensure that the best interests of the child are the primary consideration in all decisions taken, including when sentencing caregivers, and that alternatives to incarceration are considered.
39b	Ensure that children of incarcerated parents can maintain personal relations with their parents and have access to adequate services, accessible information and appropriate support, including by a social worker and financial support for visits and remote contact.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 9.12 – Shifting the Balance from Custody to Community-based Interventions
- Section 9.13 – Prison Visitors' Centres

Progress since November 2022

The Scottish Government extended the presumption against short sentences to 12 months or less in 2019. Whilst the decision on the most appropriate sentence in any given case is for the court with all the facts and circumstances before it, under the presumption, courts must not impose sentences of 12 months or less unless they consider that no other method of dealing with the person is appropriate.

We have published a revised [National Strategy for Community Justice](#) (2022), along with a [Delivery Plan](#) (2023), to drive further improvement work and to support the Scottish Government's longstanding ambition to encourage more widespread use of community interventions as an alternative to custody. We know that community-based interventions and sentences can be more effective in reducing reoffending and assisting with rehabilitation than short term custodial sentences, leading to fewer victims and safer communities.

Prison Visitor Centres

The importance of supporting children and families affected by imprisonment is recognised in our [Vision for Justice in Scotland](#) (2022), which highlights that one of the most important protective factors for children of prisoners is continuing relationships with a parent or carer. There is also strong recognition that parental imprisonment can exacerbate the impacts of poverty. Scottish Government actions to help tackle child poverty are discussed at section 6.13 of this report.

The Scottish Government has continued to provide funding of around £800,000 per year for prison visitor centres (PVCs), to provide a range of practical and emotional help for families affected by imprisonment, including voicing family needs to prison staff and maintaining family ties and parental bonds. We have also continued to provide core funding for Families Outside, a charity focused on delivering support to families affected by imprisonment including through an information helpline, Family Support Workers and training and awareness raising.

Two new Community Custody Units (CCUs) were introduced in Dundee and Glasgow in 2022. These provide safe and secure accommodation which is trauma-informed and gender-specific, for women and young people who require a lower

level of supervision. Importantly, these new CCUs increase the number of prisons which can accommodate female prisoners and potentially lead to women being held closer to their communities. Due to the unique ethos of the CCUs, they do not require the support of a PVC. The units have extended visiting times where family members, including children, can visit in more informal and family orientated settings, with specialised staff available to facilitate the maintenance of family ties.

In addition, virtual visits continue as an additional tool which can support families to stay in touch with a family member in prison. The installation of in-cell telephony in all Scottish prisons during 2023 will also help to support and promote family contact. Children specific visits, which provide a more relaxed and informal visit for families, have also been reintroduced post pandemic. Establishments, in partnership with visitor centre providers, also host family event days.

All individuals sentenced to custody will be offered a prison induction where prison-based social work will outline their roles and responsibilities, should someone need social work support while in custody. Individuals who are subject to post-custodial statutory supervision in the community will be allocated a prison-based social worker and a community-based social worker who will ensure any concerns about the welfare of children are referred to the appropriate supports in the community. Where an individual is not subject to post-custodial statutory supervision, they can request support from prison-based social work. Anyone who works within a custodial establishment has a duty to refer concerns they become aware of in relation to the welfare of children to prison-based social work, who will make contact with relevant agencies within the communities the child comes from.

Next Steps

Prison Visitor Centres

- The Scottish Government is committed to maintaining funding for visitor centres to ensure the range of practical and emotional help for families affected by imprisonment continues. We are also working towards ensuring that all Scottish prisons have support for children and families affected by imprisonment. This includes making funding available to provide a model of support similar to visitor centres, which are suited to local circumstances at HMP Greenock and HMP Dumfries.
- An evaluation of the two new Community Custody Units is underway. This includes exploration of issues relating to family contact. The findings will be published in 2024.
- We are engaging with the Scottish Prison Service (SPS) and Families Outside about issues raised in the Families Outside [Paying the Price report](#) (2022), which highlighted challenges families face when travelling to visit loved ones in prison. Equitable and sustainable models of support are being explored which take account of existing schemes.
- The SPS is currently refreshing their Family Strategy. The new strategy will focus on developing and strengthening healthy family ties through the recognition of the complex and diverse nature of family relationships. SPS also plan to reintroduce

Prisoner Surveys, which were paused during the Covid pandemic. The survey will include questions relating to family contact and will be launched in 2024.

6. Basic Health and Wellbeing

6.1 Disabled Children and Young People

No	UN Concluding Observation
40b	Reduce waiting times and strengthen the system for early detection and intervention, including for children with autism and developmental disorders, in order to facilitate access for children with all types of disabilities to education, health care, social protection and support services.
40c	Strengthen support for the social integration and individual development of children with disabilities, including by providing capacity-building to professionals working with and for children on the rights and specific needs of children with disabilities, and ensuring their access to personal assistance, rehabilitation and assistive devices.

Relevant section of Scottish Government's November 2022 Position Statement

- Sections 7.1 – 7.6 - Disability

Progress since November 2022

Early Detection, Intervention, Access to Services

All children in Scotland are entitled to support from the Health Visiting service. The service provides 11 home visits for families between pre-birth and the time a child starts school. This includes three formal child health reviews (13-15 months, 27-30 months, and 4-5 years) at which any developmental concerns can be identified and begin to be addressed and supported. This process helps to ensure that children with disabilities are able to access appropriate support from the earliest stage.

Both the [CAMHS Specification](#) and [Neurodevelopmental Specification](#) aim to ensure that children and families receive the support and access to services that meet their needs at the earliest opportunity, based on the Getting it right for every child approach. For many children and young people, such support is likely to be community-based, and should be quickly and easily accessible. The CAMHS and Neurodevelopmental Specifications are discussed further at sections 6.7 and 6.8 of this report.

With reference to education, the [Education \(Additional Support for Learning\)\(Scotland\) Act 2004](#) (“the 2004 Act”) requires education authorities to identify, provide for, and review the additional support needs of pupils. A formal diagnosis is not needed for a child or young person to receive support, which should be put in place at the earliest possible stage, as soon as a need is identified. This staged intervention model allows support to be reviewed following the results of new assessments, input from specialist staff or diagnosis. Families should be kept informed and have opportunities to input to this process. Other agencies, health (allied health professionals and CAMHS), and social work services can also be asked to help identify needs and provide support under the 2004 Act. The statutory [Code of Practice](#) (2017) sets out guidance for authorities and partners on the requirements of the Act on this matter.

The Scottish Government funds [Enquire](#) to provide information and advice to parents and carers on additional support for learning. ASN support is also discussed at section 7.2 of this report.

All children can request assistance from Allied Health Professionals (AHPs). Personal assistance can also be accessed as required. In addition, school nurses focus on 10 priority areas deemed most likely to impact on health and wellbeing in later life. Children will also be registered with a local General Medical Practice.

Disability Equality

The Scottish Government is working with Disabled People's Organisations - Glasgow Disability Alliance, Inclusion Scotland, and Disability Equality Scotland - to develop and implement an Immediate Priorities Plan that delivers actions to help meet the barriers faced by disabled people. The plan will strengthen our ongoing commitment to advancing disability equality and will be a step towards developing a Disability Equality Strategy that will aim to tackle the systemic barriers that affect the daily lives of disabled people and impact on disability poverty.

The Scottish Government has also committed to introduce a new Human Rights Bill in the 2023-24 parliamentary session. The Bill will incorporate into Scots law, within the limits of devolved competence, four international human rights treaties, including the Convention on the Rights of Persons with Disabilities (CRPD). Incorporation of the CRPD will place greater impetus on public bodies to support disabled children and young people in realising their human rights, accessing services, and living with dignity. The Human Rights Bill is discussed at section 1.3.

Learning/Intellectual Disabilities and Autism

In March 2021, the Scottish Government, in partnership with COSLA, published the joint [Learning/Intellectual Disability and Autism Towards Transformation Plan](#). This set out the Scottish Government's vision to shape supports, services and attitudes to ensure that the human rights of autistic people and people with learning/intellectual disabilities, including children and young people, are respected and protected and that they are empowered to live their lives, the same as everyone else. We have established an innovative new leadership and engagement framework which puts lived experience at the heart of the decision-making process to help drive progress towards implementation of the Towards Transformation Plan.

The Scottish Government will also continue to work on a proposed Learning Disabilities, Autism and Neurodivergence Bill, which will seek to ensure that the rights of autistic people, those with learning disabilities, and neurodivergent people are respected, protected, and championed. We will also consider establishing a Commissioner to champion the rights of these groups. The Scottish Government is working to ensure that the Bill is fully co-designed with people with lived experience, including children and young people, involving from the outset individuals with lived experience through the Lived Experience Advisory Panel, as well as through Disabled People-led Organisations and charities that represent them. The [consultation](#) for the Bill launched on 21 December 2023.

British Sign Language

The Scottish Government is committed to making Scotland the best place in the world for British Sign Language (BSL) users to live, work, visit and learn. The [BSL National Plan 2023-2029](#), which was published on 6 November 2023, contains 45 actions across 10 priority areas. Supporting Children, Young People and their Families is one of the 10 priority areas. The Plan was informed by the [consultation](#) which took place between July and September 2023. The [consultation analysis](#) was published on 1 December 2023.

Family Fund

The Family Fund is the UK's largest grant-giving charity for disabled children. Grant funding from the Scottish Government has enabled the Family Fund to provide support, advice, and direct grants to families on a low income who are raising disabled or seriously ill children and young people in Scotland. Through the Family Fund grant scheme, each family has choice and control over what grant items they request, based on what they think would best help to meet their own family's needs and improve their quality of life. In 2022-23, we committed £2.974 million of funding to Family Fund's Scotland grant programme, which delivered 8,690 grant items to 6,970 families on a low income who are raising a disabled or seriously ill child or young person in Scotland. Social security support for families with disabled children is discussed at section 6.13.

Transitions

We are continuing to take steps to develop Scotland's first National Transitions to Adulthood Strategy in this Parliamentary term. In March 2023, we formed a new [External Strategic Working Group](#) to help support the development and implementation of the Strategy. The Group comprises key strategic representatives of: parent carers; education; skills and employment; third sector; local authorities; health; and social care. The membership aims to reflect the cross-cutting nature of transitions, and the broad and varied life courses disabled young people may encounter and require support with during the transition to young adult life.

On 28 September 2023, we published our [Statement of Intent on the Transitions to Adulthood Strategy](#), which is based on what we have heard through research and engagement to date. The Statement sets out the proposed scope, vision, and priorities for the National Transitions to Adulthood Strategy, which have been co-developed with the Strategic Working Group and disabled young people themselves. This is an important milestone in meeting our commitment. Feedback from the Statement of Intent will be used to develop the Strategy, which we aim to consult on more widely in 2024. The National Transitions to Adulthood Strategy is also discussed at section 2.6.

Employment Support for Disabled People

The Scottish Government is focused on tackling the enduring structural barriers that disabled people face in relation to accessing and progressing in the labour market. The original action plan, [A Fairer Scotland for Disabled People: Employment Action Plan](#) (2018), set out the commitment and initial steps the Scottish Government would take to reduce the employment gap between disabled people and the rest of the working age population (the disability employment gap) by at least half by 2038. The Plan focused on three key themes: Young People and Transitions; Supporting

Disabled People to Enter and Sustain Employment; and Supporting Employers, see section 7.5 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022).

A key achievement from the original plan included increased applications to the Independent Living Fund (ILF) Scotland Transitions Fund, which supported young disabled people between the ages of 16 and 25 years with the transition after leaving school or children's services. Since opening in 2017 and publication of the Position Statement in 2022, the ILF distributed £9.4 million in grants to almost 5,000 young people. Further achievements included delivery of the Young Person's Guarantee following the pandemic, as well as ensuring support for disabled young people undertaking apprenticeships.¹⁰

In December 2022, the Scottish Government published its refreshed [Fair Work Action Plan: Becoming a Leading Fair Work Nation by 2025](#), incorporating the commitment to support more disabled people to enter and sustain fair work, and continuing the ambition to at least halve the disability employment gap. The Fair Work Action Plan takes an intersectional approach, focusing on structural barriers disabled people, women and racialised minorities in particular face in relation to employment, while also considering key issues for young people and transitions.

Next Steps

- We will develop and implement an Immediate Priorities Plan, working with Disabled People's Organisations.
- We will continue to develop proposals for a Learning Disabilities, Autism and Neurodivergence Bill following the public [consultation](#).
- We will continue to take steps to develop a National Transitions to Adulthood Strategy.
- In relation to young people and employment, the Scottish Government and partners will, through the Fair Work Action Plan, take forward actions which aim to tackle persistent inequalities. We will also continue to develop and deliver our approach to our all-age employability support through No One Left Behind (2018), ensuring those with the greatest barrier to employment, including young people, receive person-centred support to progress into training or work.
- We will publish regular progress reports on the Fair Work Action Plan, and have published an [Evidence Plan](#) focusing on how it progresses the deliverables and outcomes from the Plan.

¹⁰ See progress reports: [Year One](#) (2020); and [Year Two](#) (2021).

6.2 Access to Paediatric Health Care Services

No	UN Concluding Observation
41a	Strengthen measures aimed at ensuring the availability of quality, child-sensitive and age-appropriate paediatric primary and specialist health care services to all children, and ensure that children's perspectives are included in the development and implementation of all health services, health and social care commissioning, and policy and practice reviews;
41c	Expand health services available to asylum-seeking and migrant children, children without a regular residence status to ensure their access to affordable health and mental health services, including by providing interpretation services and repealing regulations of the National Health Service that prevent such children from accessing health services due to their parents' immigration or financial status;

Relevant section of Scottish Government's November 2022 Position Statement

- Section 7 – Basic Health and Welfare

Scottish Government Position

All children in Scotland can access the NHS, which is free at the point of use. Scotland's oversight of child health begins at an early stage through our Child Health Surveillance Programme, which mandates the delivery of a series of routine screenings, health assessments and childhood immunisations. Where a child has a concern identified at a screening or health review, practitioners are expected to provide additional support and/or make a referral into specialised services, which could include secondary paediatric care.

Public Health Scotland (PHS) compile national [statistics](#) in relation to the coverage of the Health Visitor first visit, 6-8 week review, and all three child health reviews, and the proportions of children having developmental concerns identified at the child health reviews.

We recognise the importance of young people receiving the right care at the right time in the right place. We are therefore continuing to monitor paediatric service use across the health system to ensure that the Scottish Government can act to support services. Public Health Scotland also publishes information in relation to paediatric secondary care admissions and Accident and Emergency attendances (broken down by age group and Health Board), and diagnoses.¹¹ This can help map trends over time.

We acknowledge the impact long waiting times for NHS treatment can have on children and young people. Our £1 billion [NHS Recovery Plan](#) (2021) is supporting an increase in inpatient, day case, and outpatient activity.

Transition to Adult Services

The Scottish Government has taken steps to improve transitions in healthcare. For example, the [Respiratory Care Action Plan \(RCAP\) 2021-2026](#) commits to ensuring that all children transitioning to adult respiratory services go through a dedicated

¹¹ PHS also collects data on paediatric surgery, dentistry, and paediatric outpatients.

transition service. A transitions sub-group of the Scottish Respiratory Advisory Committee (SRAC) was established in 2022. The Group aims to produce a best practice document for Boards to use to ensure consistency in transition services.

The [Diabetes Improvement Plan](#) (2021) also contains a specific commitment to support children and young people to transition well from child to adult services. The Scottish Diabetes Group will establish projects to deliver this commitment in due course. In addition, as part of our [National Framework to improve neurology services](#), we funded NHS Ayrshire & Arran, Cerebral Palsy Scotland, and ARC Housing to develop a neurology specific set of principles for transition across care settings. The National Transitions to Adulthood Strategy for Disabled Young People is discussed at sections 2.6 and 6.1.

Refugee and Asylum-seeking Children

The Scottish Government remains committed to supporting refugees, people seeking asylum and Scotland's communities through our pioneering and collaborative [New Scots: Refugee Integration Strategy approach](#). The Scottish Government is clear that everyone who is resident in Scotland is entitled to access health care on the same basis. This includes all refugees, people seeking asylum and people whose claim for asylum has been refused. Refugees and people seeking asylum living in Scotland are entitled to: register with a GP; access emergency health services; register with a dentist; and have eye tests. They can also access specialist healthcare, as any other patient can, often through a GP referral. This includes maternity care, mental health services and any other services for specific conditions. The NHS 24 interpreting service is also available for individuals who do not have English as their first language.

Hearing the Views of the Child

It is important that children can have their views heard when accessing any health service. As discussed at section 1.2, the UNCRC Act incorporates the UNCRC into Scots law within the devolved powers of the Scottish Parliament. The Act, once commenced, will place an obligation on public authorities to give due weight to the views of children in accordance with their age and maturity and will ensure that they have the right to receive information (subject to certain restrictions) in a format of their choice. Steps taken to support public authorities to further embed children's rights across service delivery are discussed at section 1.11.

In addition, each Health Board appoints a Child Health Commissioner to promote the specific needs of children in respect of the planning and delivery of healthcare. This can include promoting children's rights, including the right to be heard, and the importance of transitions into adult services.

Next Steps

- We will continue to monitor paediatric service use across the health system.

6.3 Health Inequalities

No	UN Concluding Observation
41b	Develop a strategy to address health inequalities, including the underlying causes, and in particular in respect of children in disadvantaged situations including children with disabilities, children belonging to ethnic minorities, socioeconomically disadvantaged children, children living in rural areas and transgender children.

Relevant section of Scottish Government's November 2022 Position Statement

- Chapter 7 – Basic Health and Welfare

Progress since November 2022

The Scottish Government remains firmly committed to addressing health inequalities and its underlying causes. We know that deprivation is a significant driver of excess mortality and so reducing poverty and inequality sits at the heart of our investment across portfolios. In 2022-23, we invested £3 billion across a range of programmes targeted at low-income households, with £1.25 billion directly benefitting children. We increased the Scottish Child Payment to £25 per eligible child per week, an increase of 150% in less than a year, and expanded the payment to all eligible children under the age of 16 (see section 6.13 of this report).

We are also continuing to take forward initiatives to promote and support the life chances of all our children and young people, including through the Baby Box, which supports parents during the first few months of their child's life; the [Family Nurse Partnership](#) (FNP), which supports young first time parents; and measures to promote and support good nutrition amongst children, including the expansion of free school meals. These are discussed further in Chapter 7 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022).

All children in Scotland are entitled to the support of a Health Visitor from pre-birth to the time when a child starts school. Health Visitors should offer a minimum of 11 home visits during that period as a way of monitoring and supporting the child's health and development, and the wider family's wellbeing. The universal provision of the Health Visiting service can help to ensure that health inequalities are minimised by pursuing prevention and early intervention. In cases where a Health Visitor identifies a need for additional support, referrals can be made to more specialised health services.

Health Visitors also provide additional support to children in disadvantaged situations. Those in most need can receive additional support. Health Boards are also directed to deploy more Health Visitors to areas of socioeconomic deprivation. This allows Health Visitors more capacity to help those most in need. In addition, Health Visitors are required to enquire about family finances and money worries at periodic points throughout the pathway, to allow them to assess need and signpost families to appropriate support services.

The Scottish Government monitors the extent to which the Health Visiting Service is reaching children and families in disadvantaged circumstances. Public Health

Scotland's annual [statistics on Health Visitor coverage](#) provide a breakdown of coverage by deprivation.

Racialised Health Inequalities in Health and Social Care

The Scottish Government acknowledges there are health inequalities between minority ethnic and majority white groups, as well as between different minority ethnic groups. The picture is complex and understanding of the scale and nature of the problem in Scotland is limited by lack of good quality data.

We have established a senior Steering Group on Racialised Health Inequalities in Health and Social Care to oversee implementation of the health and care specific recommendations of the [Expert Reference Group on Covid-19 and Ethnicity](#). Working with senior leaders across the health system, the aim is to improve access, experience and outcomes within health and social care for minority ethnic communities in Scotland, taking an anti-racism approach. Priorities include the development of robust plans for addressing racism in the workplace, increasing diversity at all levels of the health workforce, improving access to and experience of key services including mental health, maternal and infant health, cardiovascular disease, and type 2 diabetes prevention, and improving race and ethnicity data to inform action to address inequalities and to measure progress.

This work builds on the Scottish Government's [Data Strategy for Health and Social Care](#) (February 2023), which commits to improving the quality and consistency of protected characteristics data, including race and ethnicity data, to ensure that equitable care is provided for everyone in Scotland requiring it.

A range of health related actions were progressed through the Scottish Government and COSLA's [Gypsy/Travellers Action Plan](#) (2019-21), with the aim of improving health outcomes for Gypsy/Traveller communities. This included funding for the Minority Ethnic Carers of People Project (MECOPP) Community Health Matters Programme. A key component of the programme has been to recruit and train Community Health Workers from Gypsy/Traveller communities, whose role is to provide information and support on a wide range of health and social care issues to Gypsy/Traveller communities in a number of Health Board areas. Work to identify a sustainable future model for ensuring that learning and best practice can be shared and mainstreamed is ongoing. A new Gypsy/Traveller Action Plan is expected to be published after the spring of 2024, the development of which will provide an opportunity to review key actions that can be taken to improve access to and experience of health services for the community.

Care and Wellbeing Portfolio

Reducing inequalities is one of the key aims of the Care and Wellbeing Portfolio (CWP), the main strategic reform vehicle across Health and Social Care within the Scottish Government. Established in 2022, the CWP brings together key reforms into a single coherent Portfolio, which seeks to improve population health and wellbeing, reduce inequalities, and achieve health and care system sustainability. A [CWP Portfolio Board](#), comprised of a wide array of stakeholders, provides oversight and strategic direction on delivery.

As part of this, we are working closely with key stakeholders, including Public Health Scotland, to develop and implement a systematic approach to enable us to embed consideration of health inequalities across government. This work will align with other similar approaches being taken across government and will help to promote a more robust approach to assessing the impact of our policies. We will also continue to work with our partners to understand what is needed at a national and regional level to support local, preventative action to drive improvements in health, and thus embed health considerations within wider policy making.

Next Steps

Health Visitors

- The Scottish Government has committed to supporting Health Visitors to access additional professional development opportunities in respect of financial inclusion, to help them conduct discussions with families around money worries and household finances. Any families disclosing concerns around money worries can then be further supported by the Health Visitors and/or referred on to a specialist service.

Family Nurse Partnership (FNP)

- The Scottish Government has committed to extending the [Family Nurse Partnership](#) incrementally by offering to first time mothers aged 20 and under, and then 21 and under by the end of 2024, and care-experienced first-time mothers aged 25 and under by the end of 2025. This will support up to 500 extra families per year by 2025.

Racialised Health Inequalities in Health and Social Care

- We will continue to work to implement the health and care specific recommendations of the Expert Reference Group on Covid-19 and Ethnicity.
- We will also work with senior leaders across the health system to develop a framework for action for improving healthcare access, experience, and outcomes, taking an anti-racism approach.

Care and Wellbeing Portfolio

- We are actively contributing to Keeping The Promise through our work to support the scoping of a pre-birth to three transformation programme led by Education and Justice colleagues.
- Our 'Getting it right for everyone' pathfinders also provide an opportunity for us to work together in localities in a shared way to support families who are at risk of poverty. This includes the development of a family support model with services built around families, including employability support, drug and alcohol, and community mental health services.
- We are supporting health and social care bodies to operate as effective anchor institutions as part of the wider community wealth building agenda. Health Boards are developing plans focused on maximising local economic contributions through improving access to good work and good income, which will target the six priority family groups described in the Tackling Child Poverty Delivery Plan;

supporting local businesses via supportive procurement practices; and widening community access to land and assets.

- We are also expanding how we monitor and improve our contribution to early years and child poverty by adding additional data indicators to the [Care and Wellbeing dashboard](#), including Antenatal Booking, Perinatal Mortality Rate, Child Material Deprivation, Infant Mortality, Healthy Birthweight, Breastfeeding at 6-8 Weeks Child Development, Immunisation Rates, Unintentional Injuries, and Healthy Weight at primary 1.

6.4 Support for Transgender and Gender-questioning Children and Young People

No	UN Concluding Observation
41d	Urgently address the long waiting times faced by transgender and gender-questioning children in accessing specialized health services, improve the quality of such services, and ensure that their views are taken into account in all decisions affecting their treatment;

Relevant section of Scottish Government’s November 2022 Position Statement

- N/A

Progress since November 2022

The Scottish Government fully recognises the need to provide the best possible clinical care for young people experiencing gender incongruence or gender dysphoria.

As part of our ongoing commitment to improve access to gender identity healthcare in Scotland, since December 2022, we have invested over £2.8 million to support improvement work, with over £2 million of that allocated directly to NHS Health Boards with gender identity clinics. This includes over £896,000 allocated directly to NHS Greater Glasgow and Clyde to support both their adult gender identity service and the only gender service for young people in Scotland - the Gender Dysphoria for Young People Service. NHS Greater Glasgow and Clyde are using this funding to expand existing service capacity, recruit to their multidisciplinary team and contact those on the waiting list to identify unmet needs. Service pressures are being reviewed by the Health Board and nationally.

Wider work is also underway to consider how best to sustainably provide young people’s gender services in NHS Scotland in the longer term by exploring national commissioning. This is part of a wider programme of work to improve access to, and delivery of, gender identity healthcare in Scotland.

The [NHS Gender Identity Services: Strategic Action Framework 2022-2024](#) (2021) describes how we are working to improve access to, and delivery of, NHS gender identity services. A National Gender Identity Healthcare Reference Group was established in 2022 to oversee implementation of the Framework’s actions. The Group includes NHS Board representation, LGBTI organisations, including those representing LGBT young people, clinicians, academics, and people with lived experience of using gender identity healthcare.

The Scottish Government continues to closely engage with people who have lived experience of accessing gender identity healthcare in work to improve services. This includes young people and organisations representing them. As part of this, the Scottish Government has funded a Lived Experience Coordinator role hosted in the third sector. The post holder’s role is to engage with trans/non-binary people across Scotland who have lived experience of accessing or waiting to access gender identity services and to ensure their voices inform the work of the National Gender Identity Healthcare Reference Group.

Next Steps

- Work is underway to expand existing service capacity, recruit to the multidisciplinary team and contact those on the waiting list for the Young People’s Service to identify unmet needs.
- Work will also continue to consider how best to sustainably provide young people’s gender services in NHS Scotland in the longer term by exploring national commissioning of young people’s gender services.

6.5 Child Nutrition

No	UN Concluding Observation
41e(i)	Strengthen measures to address child malnutrition, food insecurity and growing trends in overweight and obesity, including by: (i) ensuring all children’s access to nutritious foods and reducing their reliance on food banks, regardless of their or their parents’ migration status.
41e(ii)	Expanding the free school meals programme to all children in disadvantaged situations, including children whose parents receive Universal Credit;
41e(iii)	Addressing the root causes of food insecurity including poverty;
41e(iv), (v)	Providing nutrition services in schools and communities; and promoting healthy lifestyles and physical activity.

Relevant section of Scottish Government’s November 2022 Position Statement

- Sections 7.13 – 7.19 – Child Nutrition
- Section 7.29 – Child Poverty

Progress since November 2022

Child Healthy Weight

The Scottish Government’s aim to halve childhood obesity by 2030, and significantly reduce diet-related health inequalities, is deliberately ambitious. It is a public health priority to ensure that Scotland is a place where children eat well, have a healthy weight and are physically active. We remain committed to taking forward the wide range of action set out in our [Diet and Healthy Weight Delivery Plan](#) (2018) to achieve this. Our actions emphasise prevention to ensure children have the best start in life, and include, among other things:

- Continuing to take forward our [Out of Home Action Plan](#) (2021), which supports people and business to provide access to healthier options.
- Maintaining support for convenience stores through the [Healthy Living Programme](#), which predominantly focuses on stores in areas of higher deprivation, to make healthier food and drink more accessible.¹²
- Helping smaller businesses reformulate common products to make them healthier through the [Reformulation for Health Programme](#); and
- Funding regional community food networks, such as [Edinburgh Community Food](#), supporting them to increase access to affordable, healthier food to members of their local community, and promote the health benefits of nutrition and physical activity.

In addition to this, we have continued to fund Health Boards to deliver weight management services for children and young people, in line with our [national standards for delivery of tier 2 and tier 3 weight management services](#), and have provided £2.3 million to Health Boards in 2023-24. In addition to core funding, since 2020-21, we have provided over £2.4 million to health boards and local partners for projects to encourage healthy eating and physical activity in families and communities at risk of diet-related health inequalities. This work has included: specialised training for practitioners; increasing physical activity; and support for those experiencing food insecurity.

A Whole Systems Approach to childhood obesity remains the strongest evidence-based route to improving levels of healthy weight in children. As an action from our 2018 Diet and Healthy Weight Delivery Plan, the Scottish Government supported pilots of whole systems approaches to improving diet and healthy weight in eight local authority areas, focusing specifically on childhood obesity and health inequalities. The [Public Health Scotland evaluation of the pilots](#) was published in December 2022 and is informing next steps.

Malnutrition

We have established a working group, including representatives from health, social care and the third sector, to provide recommendations for the development of policy for the early detection, prevention and monitoring of malnutrition and dehydration.

Energy Drinks

In 2019, the Scottish Government [consulted](#) on whether there is sufficient evidence to support mandatory measures on the sale of energy drinks, which contain high levels of caffeine, to children and young people. Our [consultation analysis report](#) and [evidence brief](#) were published on 30 May 2023. Having carefully considered the consultation responses and current evidence base, we will not pursue mandatory measures to restrict the sale of energy drinks to children and young people at this time. We continue to support voluntary measures to restrict the sale of energy drinks to children and will keep under review how these could be strengthened. We will also continue to ensure that children and young people have high quality education on the nature and importance of a balanced diet through the Curriculum for Excellence.

¹²For data on store membership in areas by deprivation, see the [Evaluation](#) of the Scottish Grocers' Federation Healthy Living Programme.

Nutrition in Schools and Health Promotion

We remain committed to the expansion of free school meals to include children in primaries 6 and 7. The next phase of expansion will be to provide a free school meal for all primary 6 and 7 pupils from families in receipt of the Scottish Child Payment. In 2022-23, we provided local authorities with £30 million of capital to invest in the infrastructure required to support the expansion of free school meals. In 2023, 231,957 free school lunches were provided to children and young people. This represents an increase from the previous high of 215,053 free lunches provided in 2022.

Our [School Food and Drink Regulations](#) are designed to ensure school meals contain an appropriate amount of energy and key nutrients to support the healthy growth and development of our children and young people. Our food and drink standards ensure there is a limit on the amount of salt, sugar, fat, and saturated fat contained in food and drink that is offered at any time during the school day, including mealtimes. Compliance with our Regulations continues to be monitored by Education Scotland's Health and Nutrition Inspectors.

In 2023, 99% of primary schools were reported to be meeting our target of providing two hours of physical education (PE) to pupils each week. In 2023, 95% of secondary schools were reported to be meeting our target of providing two 50-minute periods of PE to pupils each week (for pupils in secondaries 1 to 4). Other measures to support and promote the physical activity of children and young people are discussed at section 7.8 of this report.

Best Start Foods

Best Start Foods provides pregnant women and families with children under the age of three, who receive certain benefits under a certain amount, with a minimum of £4.95 a week via a pre-payment card to purchase healthy foods. Although we do not have a statutory duty to update Best Start Foods, in April 2023, the Scottish Government increased payments in line with inflation by 10.1%. This increase is in recognition of the difficulties being faced by many due to the increased cost of living.

Food Insecurity

Scotland is the first nation in the UK to publish a Plan, grounded in human rights, that works towards ending the need for food banks. Our [Cash-First Plan](#) (June 2023) outlines the nine collaborative actions we will take over the next three years to improve response to crisis so that fewer people need to turn to emergency food parcels. This includes a new £1.8 million Programme to improve urgent access to cash in a crisis, maintaining the value of our £41 million Scottish Welfare Fund, and continuing to invest in dignified community-led responses to food insecurity.

Our actions include targeted work to ensure timely access to appropriate nutrition for families with infants. Following initial scoping work in spring 2023, we established a Short Life Working Group with local and national partners to support the development of emergency routes to cash first solutions and infant formula where needed.

Among the UNCRC requirements being incorporated into Scots law by the UNCRC Act is the right to the highest attainable standard of health, including

through the provision of adequate nutritious food. The Human Rights Bill will incorporate the International Covenant on Economic, Social and Cultural Rights (ICESCR), which includes a right to adequate food as part of the overall right to an adequate standard of living, into Scots law, within the limits of devolved competence. The duties under the UNCRC Act will commence on 16 July 2024 and the Human Rights Bill will be introduced to the Scottish Parliament during the 2023-24 parliamentary session.

Next Steps

Healthy Weight and Malnutrition

- We will continue to deliver the actions in our Diet and Healthy Weight Delivery Plan.
- Our new Eating Out Eating Well Framework, which is designed to help outlets provide healthier food choices, is due to be piloted in early 2024. This initiative aims to support people and business to make access to healthier choices easier, such as developing a Code of Practice for children's menus.
- The [evaluation of our Diet and Healthy Weight whole systems approach pilots](#) is informing our next phase of developing resources to support national roll-out.
- We are also focusing on transforming the food environment because this is more likely to be effective in improving diet and reducing health inequalities than only encouraging behaviour change. We are committed to legislating to restrict the promotion of less healthy food and drink where these are sold to the public. We are actively engaging with key stakeholders as part of an extensive and inclusive consultation process on the detail of proposed regulations.
- We will develop policy for the early detection, prevention and monitoring of malnutrition and dehydration. A working group is currently developing draft recommendations.
- With regard to energy drinks, we will consider further research to inform consideration of potential legislation in the future, including in relation to consumption patterns and the impact of current voluntary actions.

Free School Meals

- We are working with local authorities to better understand the infrastructure required to deliver our commitment to expand free school meals in primary schools.

Best Start Foods

- We are delivering on our commitment to increase eligibility for Best Start Foods to all in receipt of Universal Credit and will go further on this by removing the income thresholds for all qualifying benefits from February 2024, supporting an additional 20,000 people.
- We do not have a statutory duty to uprate Best Start Foods. Despite this, we will again, subject to Parliamentary approval, increase Best Start Foods from

April 2024 by 6.7% in line with the Consumer Prices Index (CPI) rate of inflation at September 2023.

Food Insecurity

- Our new £1.8 million Cash-First Programme will provide funding and practical assistance to up to eight area-based Partnerships to improve urgent access to cash in a crisis alongside wider support. By 31 March 2026, the Cash-First Programme will have concluded, generating evidence that can be shared to inform future policy and practice to help reduce the need for emergency food parcels. In 2023-24, we are also providing:
 - A further £623,000 to the British Red Cross to deliver crisis grants and wrap around support to people at risk of destitution, including those who may have No Recourse to Public Funds.
 - £290,000 for an expanded crisis response pilot with nine local advice bureaux in the Citizens Advice Scotland network, using shopping cards and cash grants to meet immediate needs.
 - £155,000 to support the Dignity Peer Network and marginalised groups to develop dignified responses to food insecurity.

6.6 Breastfeeding and Infant Nutrition

No	UN Concluding Observation
41f (i)-(iii)	Continue its efforts to promote breastfeeding, including by: (i) strengthening support for mothers, including through flexible working arrangements; (ii) fully implementing the International Code of Marketing of Breast-milk Substitutes and strengthening relevant legislation; (iii) raising awareness of the importance of breastfeeding among families and the general public.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 7.7 – Breastfeeding and Infant Nutrition

Progress since November 2022

The [Embedding Children’s Rights in Scotland: Position Statement](#) (2022) provides information on the steps taken by the Scottish Government to support and promote breastfeeding across Scotland, including funding support. We have provided a further £2 million additional funding in 2023-24 to Health Boards and other partners to support, promote and protect breastfeeding. The additional investment is being used to fund breastfeeding projects and initiatives. Particular emphasis has been given to the quality improvement aspects of these projects, with an aim to boost their sustainability.

There is also ongoing development of focused support for mothers returning to work after maternity leave. This will encourage employers to make space and allowances for mothers to hand express throughout the day, if desired, in privacy and comfort, without discrimination. This is initially being taken forward in NHS settings with guidance for managers on their workplace policies for staff that may be breastfeeding after returning to work. Activity will then continue to spread and scale this work into other sectors.

We are working to change the breastfeeding culture in Scotland via the national Breastfeeding Friendly Scotland scheme. The scheme is aimed at supporting women to feel confident when breastfeeding out and about and is a way that communities and businesses can show they welcome and support breastfeeding. The scheme is free and joining is open to any organisation or business in Scotland. Further Scottish Government investment in this scheme comes in the form of support for NHS Health Boards to provide resources and marketing materials they can use to support and promote the scheme. NHS Boards can order the scheme's marketing materials via the Scottish Government policy team and Public Health Scotland. These can be used to promote the scheme and its benefits in the local Board area.

To support the early learning and childcare part of the scheme, national training modules have been developed in conjunction with NHS Education for Scotland (NES). The packages are hosted on the NES training platform. These will be used by early years practitioners to help further embed breastfeeding friendly principles within a younger age group. The training modules will include advice on limiting the imagery of babies with bottles and access to bottle-feeding dolls or toys.

The annual Scottish Breastfeeding Week was held in June 2023, with co-ordinated events around the country in conjunction with NHS Health Boards and third sector partners. These events celebrated both local and national achievements and were promoted via social media activity on Scottish Government communication channels.

The UNICEF Baby Friendly Initiative (BFI) is a world-wide programme which provides a practical and effective way for health services to improve the care provided for all mothers and babies. In Scotland, the BFI develops best practice standards for health professionals and services to support women to successfully establish breastfeeding or safer formula feeding if that is their choice. BFI also provides tools and an assessment process to enable services to implement and maintain best practice. The BFI is a key driver of improved care for mothers and babies and Scotland is celebrating the most progress in the UK in achieving the Baby Friendly Initiative best practice standards. Since 2018:

- 100% of Scottish Maternity units are fully accredited;
- 100% of Health and Social Care partnerships are fully accredited; with
- 100% of our community services accredited with the Achieving Sustainability award;
- 100% of the eight pre-registration Midwifery and Health Visiting university programmes are fully accredited; and
- 69% (9 out of 13) of Scottish neonatal service providers are fully accredited, with the other neonatal units progressing towards this.

The Scottish Government provides funding to UNICEF UK for a Baby Friendly Initiative professional lead post for Scotland (PLS). The PLS provides expertise, guidance, training and support to maternity units, neonatal and community facilities approaching accreditation and to those already accredited, with a particular focus on the implementation of the new BFI standards. The PLS also contributes to the work of the Scottish Government in matters relating to breastfeeding policy and development of future workplans. The Scottish Government also funds UNICEF to deliver training for healthcare staff and BFI accreditation assessments in maternity

hospitals, neonatal units, community settings and universities that provide midwife and health visitor courses in Scotland.

As discussed at section 7.7 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022), whilst Scotland does not have the legal powers to implement the whole of the WHO Code, the [Foods for Specific Groups \(Infant Formula and Follow-on Formula\)\(Scotland\) Regulations 2020](#) incorporates some of the Code into Scots law. There are also strict promotional and commercial practice rules laid out in the Regulations and in guidance that restrict the advertising and promotion of infant formula and additional labelling requirements that apply to both infant formula and follow-on formula. This is monitored by Food Standards Scotland. Embedding the Code forms part of the Baby Friendly Initiative (BFI) [standards](#), and is a requirement for all NHS health professionals to adhere to.

There is also regular work on a four-nation basis to consider the potential for strengthening existing WHO code legislation.

Next Steps

- Development of national training modules in conjunction with NHS Education Scotland. These are hosted on TURAS (the NES training system).
- Work is ongoing on the development of a breastfeeding peer support strategy/framework. A Peer Support Advisory Group is in place to determine this strategy/framework. This group is still in its early stages with meaningful outcomes expected by the end of 2024-25.
- We will continue to Chair and support a range of advisory groups around maternal and infant nutrition, including Peer Support, Breastfeeding Friendly Scotland, and Maternal and Infant Nutrition leads/representatives from NHS.
- Continued NHS adherence through BFI accreditation. Working on a four-nation basis to consider the potential for strengthening existing legislation.
- Breastfeeding Friendly Scotland schemes (Local Authority, Schools etc) continue to be developed with expected national scale and spread to follow.
- The national breastfeeding statistics were released on 7 November 2023. The publication of these statistics will be followed by policy analysis and co-ordinated work with stakeholders.

6.7 Community-Based Mental Health and Wellbeing Support

No	UN Concluding Observation
43c	Develop or strengthen strategies, with sufficient resources, for ensuring the availability of community-based therapeutic mental health services and programmes for children of all ages, and for providing comprehensive mental health promotion, screening for mental health issues and early intervention services in schools;
43e	Develop adequately funded mental health services that are tailored to the specific needs of lesbian, gay, bisexual, transgender and intersex children, migrant children, children with disabilities and “young carers”, including through sufficient investments in specialist services
43g	Strengthen measures to address the underlying causes of poor mental health, eating disorders and other self-harming behaviours among children, and invest in preventive measures

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 7.22 – Community-based Mental Health and Wellbeing Support
- Section 7.24 – Mental Health Support for Specific Groups of Children & Young People
- Section 7.25 – Suicide Prevention

Progress since November 2022

In June 2023, the Scottish Government published the new [Mental Health and Wellbeing Strategy](#). This highlights the mental health needs of certain groups of people including women and girls, disabled people, LGBTI people, and those from minority ethnic groups. The Strategy is evidence-based, informed by lived experience, and underpinned by equality and human rights.

The accompanying [Mental Health and Wellbeing Delivery Plan 2023-2025](#) and [Mental Health and Wellbeing: Workforce Action Plan](#) were published jointly with COSLA in November 2023. The Delivery Plan sets out a range of actions which we will take to promote mental wellbeing and tackle the underlying causes of poor mental health and distress, which can contribute to self-harm and suicide across the Scottish population, including amongst children and young people. The Workforce Action Plan ensures that the commitments in the Strategy and Delivery Plan are underpinned by a resilient and sustainable workforce who feel valued and supported to promote better mental health and wellbeing outcomes. [Equality Impact Assessments](#) for the actions contained within these plans have also been published.

The [Community Mental Health and Wellbeing Supports and Services Framework](#) (2021) supports the delivery of community-based mental health services for children and young people aged 5-24 (26 if care experienced), their families and carers. The Framework was produced in partnership with COSLA following extensive consultation with stakeholders, including children and young people. The Scottish Government has provided local authorities with £15 million per annum in 2021-22, 2022-23 and 2023-24 to fund these services.

The Framework states that there should be targeted provision for specific groups of children and young people, including LGBTI+, young parents and carers, and

children and young people with learning disabilities or complex needs. This has resulted in a number of local authorities providing support specifically for these groups. Supports and services are expected to be equitably accessible to all children and young people. More than 300 community-based supports are now in place across the country, with services operating in every local authority area. These are focused on prevention and early intervention and include mentoring services, art-based therapies, digital services, whole-family supports, counselling services and supports involving sport or physical activity. Local authorities have advised that more than 58,000 people used the supports and services in the first half of 2023.

Mental Health and Wellbeing Support in Education

The Scottish Government is continuing to provide £16 million to local authorities per year to ensure that all secondary schools in Scotland have access to counselling services. The [aims and principles for the delivery of access to counsellors through schools](#) set out that the counselling service should be available for children aged 10 and over, meaning that the service will also be available for primary and special schools that are linked to a secondary school. Local authorities have confirmed that counselling services are in place across Scotland. Between January and June 2022, 14,508 pupils accessed school counselling, with 13,150 pupils accessing these services between July and December 2022.

School counselling is enhancing the work that schools already do to support children and young people to learn about mental wellbeing as part of Health and Wellbeing in Curriculum for Excellence. The [Whole School Approach: Framework](#), published in 2021, provides practical measures that a school and a local authority can use to support children and young people's mental health and wellbeing. A professional [Learning Resource](#) (2021) also provides school staff with the knowledge and understanding to support children and young people's mental health and promote positive mental wellbeing.

Over the past four academic years (2019-20 – 2022-23), the Scottish Government has successfully invested over £16 million to help introduce more than 80 extra counsellors in colleges and universities and, in Academic Year 23-24, provided an additional, one-off, investment of £3.21 million to help institutions transition to a more sustainable means of providing mental health support for students. The Scottish Government also supports the NUS Scotland Think Positive initiative and has confirmed funding for Financial Year 2023-24.

Following the publication of its Mental Health and Wellbeing Strategy in the summer of 2023 and accompanying Delivery Plan in the autumn of 2023, the Scottish Government will consult on a draft Student Mental Health Action Plan in February and early March 2024.

Mental Health Support for Specific Groups of Children and Young People

The Scottish Government is taking forward a range of actions to support specific groups of children and young people including those with neurodevelopmental support needs, and with reference to eating disorders, self-harm, and suicide.

The [National Neurodevelopmental Specification for Children and Young People: Principles and Standards of Care](#) (2021) (ND Specification), sets out seven

standards for service providers to ensure that children and young people who have neurodevelopmental profiles with support needs, receive further support than is currently available. These children and young people are often referred to CAMHS but do not always meet the mental health criteria described in the [National CAMHS Service Specification](#).

To support national implementation, we have funded five Tests of Change to take forward various aspects of the ND specification. These are taking place in Grampian, East Lothian, Highland, Fife and Forth Valley. We are working to collate and share learning from these Tests of Change, including through a national sharing event, which was held in September 2023. This work is informing next steps around implementation of the ND specification and will support wider roll-out across other areas in Scotland.

The National Review of Eating Disorder Services was commissioned by the Scottish Government in 2020 and published its [final report and recommendations](#) in March 2021. We have made good progress responding to the short term recommendations made by the Review. This has included: establishing an Eating Disorder Lived Experience Panel to ensure the voices of those impacted by an eating disorder are central to our policy development and delivery of the Review's recommendations; developing a National Specification for the Care and Treatment of Eating Disorders in Scotland; and appointing a Chair for the National Network for Eating Disorders to support us in delivering the remaining long-term recommendations.

The Scottish Government is committed to supporting people to access the right care at the right time. That is why we have allocated £55.5 million to Health Boards in 2023-24 to improve the quality and delivery of mental health and psychological services for all, including eating disorder services. We have also provided Beat, the UK's largest Eating Disorder charity, with over £600,000 in 2023-24 to provide a range of support services for those impacted by an eating disorder.

In partnership with COSLA, we have developed our first dedicated [Self-Harm Strategy and Action Plan](#) (November 2023). The Strategy commits to building self-harm information, advice, and support into work already underway to support children and young people's mental health. The Strategy and Action Plan were developed with people with lived experience, including children and young people, and those who support them.

In tandem with the development of the Strategy, we committed funding of £1.5 million between 2021 and 2024, to support a national webchat service offering people help out-of-hours. The webchat service is part of the [Self-Harm Network Scotland](#), run by Penumbra, which also provides up to date, reliable and accessible advice for anyone affected by self-harm, including children and young people. It also offers free training sessions, either in person or online. We have committed a further £1.5 million for 2024-26 to continue this support.

Our 10 year suicide prevention Strategy, [Creating Hope Together](#) (2022) includes a commitment to prevent suicidal behaviour in children and young people. Work is currently underway to drive forward the year one priorities. These include building more understanding of suicide risk and behaviour amongst young people and using

that to improve responses, and focusing on improving safety at key locations of concern. The views and needs of young people will be considered within the Strategy through input from our Youth Advisory Group.

Next Steps

Mental Health and Wellbeing Strategy

- With our key partners, we will take forward the Mental Health and Wellbeing Delivery Plan 2023-2025 and Workforce Action Plan.

Community-based Supports

- We are continuing to fund community-based mental health services in 2023-24 by providing local authorities with a further £15 million. Through the [Mental Health and Wellbeing Delivery Plan 2023-2025](#), we are committed to continuing to fund local authorities to provide these supports during the life of the Delivery Plan, and also to reviewing the [Community Mental Health and Wellbeing Supports and Services Framework \(2021\)](#) in conjunction with COSLA.

Eating Disorders

- We are continuing to deliver the recommendations from the National Review of Eating Disorder Services. This includes:
 - publishing a National Specification for the Care and Treatment of Eating Disorders in Scotland. This was out for [consultation](#) until 9 February 2024 and analysis of the consultation results will help us finalise the National Specification;
 - continuing to provide funding to Beat, the UK's eating disorder charity, to deliver a range of self-help and peer support groups; and
 - establishing the National Eating Disorder Network in 2024 which will support us to deliver on the remaining long-term recommendations.

Self-harm Strategy

- We will begin to implement our first Self-Harm Action Plan (November 2023). The main focuses of the Plan include: deepening knowledge and compassionate understanding of self-harm; building support and services across Scotland, whilst tackling stigma and discrimination; and improving and sharing data and evidence.

Suicide Prevention

- We are currently delivering our year one priorities under the new suicide prevention Strategy and action plan.

6.8 Child and Adolescent Mental Health Services

No	UN Concluding Observation
43a(i) – (iii)	Urgently reform the Mental Health Act, in line with previous commitments and the policy position set out in the 2021 White Paper, and ensure that it: <ul style="list-style-type: none"> • Explicitly prohibits the detention or placement in adult psychiatric units or police stations of children with mental health issues, learning disabilities and autism; • Guarantees children’s right to be heard in decisions regarding their mental health care, to access therapeutic mental health services and to receive support from Independent Mental Health Advocates; • Establishes standards for determining the duration of inpatient mental health care and for appropriate follow-up, with a view to preventing unnecessary and prolonged stays in inpatient mental health care.
43d	Urgently address the long waiting times for accessing mental health services, without stigma; and ensure that the number of qualified medical professionals, including child psychologists and psychiatrists, is sufficient to meet children’s mental health needs in a timely manner and close to where they live;
43f	Address the overrepresentation of children belonging to minority groups, children with autism and children with learning disabilities in inpatient mental health care;

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 7.21 – Child and Adolescent Mental Health Services

Progress since November 2022

Improving mental health remains a priority for the Scottish Government and, whilst we recognise the ongoing pressures facing the NHS, long waits are unacceptable. We remain committed to supporting all Boards to meet the standard that 90% of patients start treatment within 18 weeks of referral.

It is positive to see significant and sustained improvements in Child and Adolescent Mental Health Services (CAMHS) waiting times over the last year. 13 out of 14 CAMHS Services have now effectively eliminated their long waits (where 3% or fewer of all waits are over one year). This has been made possible by the hard work of our CAMHS workforce, which has more than doubled (+128.9 %) under this Government (since 2007) to the current all-time high of 1,372.2 whole time equivalent posts.

We are seeing continued positive signs of improvement across the whole waiting list:

- The overall CAMHS waiting list decreased by 36% in the previous year (from 8,385 in September 2022 to 5,344 in September 2023).
- Children waiting over 18 weeks decreased by 69% in the previous year (from 3,493 in September 2022 to 1,073 in September 2023).
- Children waiting over 52 weeks decreased by 88% in the previous year (from 1,252 in September 2022 to 147 in September 2023).

Services are continuing to respond well to high demand for CAMHS, with statistics showing one in two children and young people referred to CAMHS now start treatment within 10 weeks.

There has been significant progress made to improve CAMHS services and implement the recommendations of the Children and Young People's Mental Health and Wellbeing Taskforce (2019). Most notably, our [National CAMHS Service Specification](#), which was published in 2020, sets out the levels of service that children, young people and families can expect from CAMHS across Scotland. This includes a requirement that services must offer a first appointment to all children and young people who meet the CAMHS Scotland referral criteria. This first appointment, unless in unscheduled or urgent care, should be as soon as possible and no later than four weeks.

In-Patient and Specialist CAMHS Care

The Scottish Government expects children and young people who need inpatient mental health care to be looked after in age-appropriate facilities. However, there may be occasions when it is not possible for a young person to be admitted to a specialist child and adolescent bed, for example, a crisis admission out of hours where there are concerns for the young person's safety, or where a specialist facility might be a considerable distance from family support which may aid recovery.

Children and young people accessing CAMHS will normally be treated in the community with only a very small number (approximately 1%) requiring treatment in an inpatient facility. In 2020, in response to Action 19 in the [Mental Health Strategy 2017-2027](#), the Scottish Government published a [protocol for admissions to non-specialist wards for young people with mental health problems](#). This set out standards and guidance to support admissions of under 18s to adult wards. The guidance notes that 'whenever possible young people should be admitted to an age-appropriate environment'.

Following recommendations made in previous Mental Welfare Commission reports, the Scottish Government commissioned a national review of existing provision for young people under 18 years who had needs and risks that required intensive psychiatric care. This review published its findings in June 2021 and recommended purpose-built regional units adjacent to existing inpatient services. In September 2021, we provided £1.65 million to NHS Boards to support the development of regional Intensive Psychiatric Care Units for young people.

The National Secure Adolescent Inpatient Service (NSAIS), known as Foxgrove, will be the first medium secure mental health inpatient service for children and young people in Scotland. It is expected to open in March 2024. Foxgrove will provide services for children and young people aged between 12 and 18 years who are subject to measures for compulsory care and treatment; have a mental disorder; present a significant risk to themselves or other people and require a medium secure level of security in order to meet their needs.

In September 2021, we provided £700,000 to NHS Boards to support the establishment of regional CAMHS services for children and young people with

learning disabilities, forensic needs and those who are in secure care and prison. We have established a Forensic/Secure Care advisory group in order to provide expert guidance to the Scottish Government about mental health needs of the following groups of children (aged under 18 years): in secure accommodation, or 'on the edges of' secure care; or in custody; or who present high risk to others; or are involved in serious offending. This advice will inform development of NHS community Forensic/Secure Care Outreach CAMHS across Scotland.

We do not think it is the case that there is overrepresentation of children belonging to minority groups, children with autism and children with learning disabilities in inpatient mental health care in Scotland. Both the CAMHS and Neurodevelopmental Specifications aim to ensure that children and families receive the support and access to services that meet their needs at the earliest opportunity, based on the Getting it right for every child approach. For many children and young people, such support is likely to be community-based, and should be quickly and easily accessible. The Neurodevelopmental Specification is discussed further at section 6.7.

In 2021, we allocated £500,000 to NHS Greater Glasgow and Clyde to take forward, on behalf of the National e-Health Director Group, a programme of improvement of CAMHS patient management systems. The programme aims to improve provision of CAMHS and Children and Young People's Neurodevelopmental services, infrastructure, applications, and a data improvement programme.

The Scottish Government is also taking forward a Mental Health and Capacity Reform Programme. This will look at options to update and modernise our mental health and capacity legislation to enhance protection of human rights. Alongside efforts to strengthen the law, the programme will drive action across mental health services to improve how we put human rights into practice.

Next Steps

- Recognising that performance varies across Health Boards, we continue to provide targeted, tailored support towards those Boards with the longest waits and poorest performance. We have asked Boards to submit trajectories up to March 2024 for performance against the CAMHS standard, and for clearing long waits. This will include an indication of when they predict they will meet the CAMHS standard if they are not already doing so.
- Further support will be provided through regular enhanced support meetings involving our professional advisors to those Boards not on track to meet the standard.
- We are continuing to fund CAMHS improvement work, including the reduction in waiting lists through the Outcomes Framework. We have allocated £48.6 million of supplementary funding so far to Boards this year via the Mental Health Outcomes Framework to improve the quality and delivery of mental health services for all. This is in addition to £36.7 million allocated to Health Boards via the Outcomes Framework in 2022-23; and to the total package of core funding that Health Boards receive.

- Work is ongoing to support NHS Boards to establish regional Intensive Psychiatric Care Units for young people.

6.9 Adolescent Health

No	UN Concluding Observation
44a	Ensure access for adolescent girls to age-appropriate family planning services, affordable contraceptives and safe abortion and post-abortion care services, with a view to ensuring that no adolescent girl has to travel to other jurisdictions of the State party to access reproductive health care
44b	Integrate comprehensive, age-appropriate and evidence-based education on sexual and reproductive health into mandatory school curricula at all levels of education and into teacher training, and ensure that it includes education on sexual diversity, sexual and reproductive health rights, responsible sexual behaviour and violence prevention, without the possibility for faith-based schools or parents to opt out of such education;

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 8.8 – Curriculum for Excellence

Access to Abortion and Contraception

Abortion is legal in Scotland and is available free of charge from NHS Scotland for all women and girls, including those aged under 16. Abortion care and related support, including interpreters where needed, can be accessed through local NHS Health Boards. Patients can choose for their treatment to remain confidential, regardless of age.

All mainland Health Boards in Scotland are now offering abortions within Scotland to at least 20 weeks gestation. Where Health Boards are unable to offer treatment up to 24 weeks gestation locally, they must work to provide an appropriate and person-centred care pathway for patients to receive treatment, with the majority of these services being provided in England. The Scottish Government is working with NHS Boards to explore all options for the delivery of a service up to 24 weeks gestation within Scotland. This follows a letter sent to NHS Board Chief Executives in June 2022, asking that girls under 16 years old are supported to access abortion services locally where possible.

Provision of contraceptives are offered free of charge from a range of services including specific young people services in Scotland. We continue to work through the [Sexual Health and Blood Borne Virus Action Plan: 2023 to 2026](#) and [Women's Health Plan](#) (2021) to ensure that all women have access to contraceptive information and services in a timely manner suitable for their needs.

Relationships, Sexual Health, and Parenthood (RSHP) Education

The Scottish Government has [consulted](#) on draft revised statutory teaching guidance on Relationships, Sexual Health and Parenthood (RSHP) education in Scottish schools. The consultation closed in November 2023. The revised guidance contains additional guidance for schools to ensure children and young people learn about

consent, as well as safe and healthy relationships to help promote responsible behaviour and tackle violence against women and girls.

In order to support young people’s engagement in the consultation, Young Scot, and the Scottish Youth Parliament (SYP) conducted an engagement project to gather young people’s views. The SYP and Young Scot facilitated face-to-face sessions with representative groups of young people and ran a survey to seek their views on the revised guidance. This engagement ran in tandem with the public consultation and will be reflected in the final version of the teaching guidance published in 2024.

It should be noted that we do not take a prescriptive approach to the curriculum in Scotland, and it is very much up to individual schools and local authorities what approaches they use and external partnerships they build to help them deliver relevant and engaging learning. We expect teachers to use their professional judgement, experience and understanding of their pupils to respond sensitively to complex and challenging issues.

Next Steps

Access to Abortion and Contraception

- A short life working group has been established to explore all options for the delivery of a later stage abortion service in Scotland.
- The 2023-26 Sexual Health and Blood Borne Virus Action Plan includes young people as a priority. Access to contraceptive information and services remains a key focus within this plan for people of all ages, including young women.

RSHP Education

- The Scottish Government will analyse responses to the public consultation on the statutory Relationships, Sexual Health and Parenthood (RSHP) teaching guidance and will consider possible amendments to the draft guidance in tandem with the outcome of engagement with young people. It is hoped that the revised statutory guidance will be formally published and available for use by teachers in 2024.

6.10 Use of Drugs, Alcohol and Tobacco

No	UN Concluding Observations
44c	Strengthen measures to provide adolescents with information on preventing substance abuse, including of tobacco and alcohol, and to ensure the early identification and adequate referral of adolescents requiring treatment;
44d	Ensure the availability of accessible, community-based drug dependence treatment services for adolescents, and ensure their complementarity with mental health services as relevant.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 7.27 – Drug and Alcohol Use
- Section 7.28 – Smoking

Progress since November 2022

Drug Use

Work is underway to improve the availability, accessibility and quality of drug treatment services across Scotland via our National Mission to reduce drug-related deaths.¹³ This includes work to: implement the [Medication-Assisted Treatment \(MAT\) Standards](#) (2021), which set best practice for supporting people who use drugs; expand access to residential rehabilitation; and improve mental health support for people who use drugs.

In early 2023, we announced that Healthcare Improvement Scotland would work with every Health Board across Scotland to ensure that they have a protocol in place which sets out how mental health and substance use services should work together to support people with co-occurring conditions. This work is currently underway.

We have been working with a multi-agency expert working group to develop guidance on the treatment and support for young people experiencing harms from drug use. In June 2023, we commenced an engagement process with young people to ensure that their needs are at the centre of this work.

Alcohol

Our [Alcohol Framework](#) (2018) sets out the Scottish Government's priorities for preventing alcohol-related harm. This includes a strong focus on protecting children and young people from alcohol-related harm and putting their voices at the centre of our proposals.

Restricting alcohol advertising and promotion is one of the World Health Organisation's "three best buys" to reduce alcohol-related harms. In 2022, the Scottish Government carried out a written [consultation on potential restrictions to alcohol advertising and promotion](#) to protect vulnerable groups, including children and young people and those in recovery. Alcohol marketing is seen by, and appealing to, large volumes of children and young people in Scotland. International evidence shows that seeing alcohol marketing is associated with an increased likelihood that children and young people will start to drink alcohol or, if they already drink alcohol, drink more. This is harmful to them in both the short and long term.

As part of developing the consultation, we commissioned a co-design project with young people in Scotland. We followed this up with further work to directly engage young people and encourage them to respond to the consultation.

Children and young people were also consulted as part of the evaluation and review of Minimum Unit Pricing. This work was undertaken in summer 2023 through a dedicated focus group. The results were used to inform the final [Report on the operation and effect of Minimum Unit Price](#), which was laid in Parliament in September 2023.

¹³ [National Mission on Drugs: Annual Report 2022-2023](#) (October 2023)

Tobacco and Nicotine

Our [Tobacco and Vaping Framework – Roadmap to 2034](#), which was published in November 2023, aims to protect children born since 2013 from tobacco, so that when they begin to turn 21 (from 2034) they will be, and remain, tobacco-free. Our Framework lays out a roadmap as to how we will reach our goal of a tobacco-free Scotland by 2034. The plan has been developed collaboratively with stakeholders, including the Children’s Parliament and Young Scot, and we will continue to engage with them as we move through the first implementation plan, which ends in November 2025.

The Scottish Government is also part of the UK-wide [smoke free generation consultation](#), which contains proposals which would prevent tobacco being legally sold to anyone born after 1 January 2009. That same consultation also contains proposals which aim to reduce the visibility and attractiveness of vapes to children and young people. The Scottish Government’s [Programme for Government](#) (2023) also stated our commitment to take action to reduce vaping among non-smokers and young people and to tackle the environmental impact of single-use vapes, including consulting on a proposal to ban their sale and other appropriate measures.

Next Steps

Drug Use

- The work to develop joint working protocols with mental health and substance use services will continue over the next two years, with all Health Boards in Scotland to have an agreed protocol that is publicly available.
- We hope to publish the guidance on young people experiencing harms from substance use in early 2024.

Alcohol

- We have published an independent [analysis report of the responses to the restricting alcohol advertising and promotions consultation](#), which includes the findings from Children in Scotland’s engagement work and report based on a series of focus groups and other engagement activities involving children and young people. These will inform the potential content and scope of any policy proposals and our consideration of appropriate next steps with this work. We will hold further talks with public health stakeholders and the alcohol industry this year to discuss ways of limiting children and young people’s exposure to alcohol promotions.

Tobacco

- We will progress actions included within the first Implementation Plan (to November 2025) for the Tobacco and Vaping Framework.
- We will continue to work with the UK Government on their smoke free generation consultation on further restrictions on vapes and increasing the age of sale of tobacco.

6.11 Climate and Environment

No	UN Concluding Observations
45a	Reduce greenhouse gas emissions in line with its national and international commitments;
45b	Adopt legislation on air quality and urgently take measures to ensure children's environmental health, including by improving air quality in urban areas, preventing children's exposure to environmental toxins and high levels of lead;
45d	Strengthen climate change mitigation and adaptation measures to storms and hurricanes.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 7.40 – Environment
- Section 7.41 – Climate Change

Progress since November 2022

Climate Change

Scotland has its own distinct framework of statutory climate change targets set under the [Climate Change \(Scotland\) Act 2009](#) (2009 Act). This legislation includes targets for Scotland to reach net-zero greenhouse gas emissions by 2045. Statutory annual and interim emissions reduction targets are set for every year until net zero, including an ambitious interim target for 2030 of a 75% emissions reduction relative to a 1990-95 baseline. Progress towards these targets also contributes to achievement of UK-wide targets.

The [Scottish Greenhouse Gas Statistics 2021](#), published in June 2023, show that Scotland's emissions are already down by around 50% since the baseline, half-way to net zero. The data shows continued underlying progress in reducing emissions across many key sectors of our economy, such as energy supply and industry.

We are currently developing the next full Climate Change Plan, which will set out our pathway to meeting our emissions reduction targets to 2040 and will publish the Plan by March 2025. The Plan will be supported by new sectoral Just Transition Plans and will reflect our ongoing commitment to a fair transition for all. The Plan will also set out the costs and benefits of the policies it contains, as well as how these will affect different sectors of the Scottish economy and different regions in Scotland.

We are also continuing to deliver on the outcomes set out in the [Second Scottish Climate Change Adaptation Programme](#) (2019). In May 2023, we published the [fourth progress report on delivery of the climate change adaptation programme](#) in line with the requirements set out in the 2009 Act. In response to recommendations from the independent advisory body, the Climate Change Committee, we also published an [interim response to climate risks](#) in August 2023, as part of the development of the next five-year statutory adaptation programme.

Measures to Improve Air Quality

[Cleaner Air for Scotland 2 - Towards a Better Place for Everyone](#) (2021), sets out the air quality policy framework for Scotland to 2026 and is accompanied by the [Cleaner Air for Scotland 2 Delivery Plan \(2021\)](#) containing around 80 actions intended to deliver further air quality improvements. Actions include: introducing Low Emission Zones in Scotland's four biggest cities, which was completed in May 2022; development of a public engagement framework around air quality; and a code of good practice to reduce pollution from agricultural activity. The Cleaner Air for Scotland 2 annual [Progress Report 2022-23](#) was published in September 2023.

In 2022, for the first time outside of Covid-19 lockdown periods, all air quality objectives were met at each of the c.100 sites in the Scottish monitoring network. Monitoring and actions to improve air quality continue however, to ensure that this progress is maintained.

Since EU exit, a complex suite of chemicals regulation implements measures to control risks to the environment and people, including the most vulnerable groups in society. This framework, inherited from the EU, is the main means of ensuring chemicals' safety but some national measures also exist that complement this. The UK Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulation ensures chemicals are used safely in consumer products and prevents risks during their use. This extends to ensuring people are not exposed to harmful levels of chemicals via their environment. The Scottish Government works with the UK Government and Welsh Government to prioritise chemical issues that need to be considered and addressed through UK REACH via an annual work programme.

Low Emission Transport

The Scottish Government is committed to building on the investment in active travel of recent years and announced record funding of £220 million in its draft budget proposal for 2024-25 to contribute to active travel investment, accelerating progress towards our ambitions for an active nation and reducing car kilometres. We have already delivered around 415 miles of walking and cycling paths in our towns and cities, of which around 270 miles is completely new infrastructure, and around 290 active travel infrastructure projects are already in train nationally within the [Places for Everyone scheme](#).

In addition, the launch of the [National Bus Travel Concession Scheme for Young Persons](#) (Scotland) in January 2022 makes free bus travel available to all residents of Scotland aged under 22. The Scheme aims to encourage Scotland's younger generations to use low-emission and lower carbon public transport, with a view to embedding that behaviour from a young age. By end September 2023, there were 688,000 cardholders and over 91 million journeys had been made through the Scheme. This is making a real difference to the lives of young people and their families by helping to cut costs for essential, every day and leisure travel.

Next Steps

Climate Change

- The Scottish Government will publish the next full Climate Change Plan by March 2025.

- In line with legislative requirements, the Scottish Ministers will lay a third National Climate Adaptation Plan in the Scottish Parliament in autumn 2024. This will respond to the climate risks and opportunities set out in the UK Climate Change Risk Assessment 2022. The public consultation for this plan will take place in early 2024.
- In spring 2024, the Scottish Government will consult on a national Flood Resilience Strategy (FRS). The FRS will set out what we need to do to enable Scotland's places to become more resilient to warmer, wetter winters and increased instances of storms and flash flooding.

Air Quality

- We will continue to take forward actions in Cleaner Air for Scotland 2.

6.12 Participation in Climate Change Policy

No	UN Concluding Observations
45c	Ensure that national policies and programmes on addressing environmental protection, climate change and disaster risk management are developed and implemented in accordance with the principles of the Convention and take into account children's needs and views;
45e	Promote, with the active participation of schools, children's awareness of and preparedness for climate change and natural disasters, and strengthen awareness-raising among children on relevant climate legislation and their right to a clean environment and the enjoyment of the highest attainable standard of health;

Relevant section of Scottish Government's November 2022 Position Statement

- Section 7.42 – Participation in Climate Change Policy

Progress since November 2022

Scotland's [Public Engagement Strategy for Climate Change \(2021-2026\)](#) commits to developing a new approach to ensuring a genuine role in climate policy processes for young people so their views are heeded and can influence policy design. As part of our Open Government commitment on climate change, the Scottish Government has developed a stakeholder network to support engagement and participation in climate change policy delivery. Several young people focused organisations are part of this network and, to date, have influenced its set-up and government climate policy development. In 2023, our engagement on the next Climate Change Plan and the next three Just Transition Plans has included children and young people representative organisations and young people aged over 18.

Climate Change Education in Schools

The Scottish Government published a refreshed and strengthened [Learning for Sustainability \(LfS\) Action Plan](#) in June 2023, in direct response to requests from youth-led campaign groups. The refreshed Plan was informed by research undertaken by the [Children's Parliament](#) and the [University of Dundee](#).

We are currently funding the [Climate Action Schools](#) programme delivered by Keep Scotland Beautiful. The programme delivers climate education in schools for children and young people from nursery age to adulthood and helps to engage children and

young people on Scotland's net zero transition and the ongoing implementation of the refreshed LfS Action Plan.

The Scottish Government has been funding the Scottish Credit Qualifications Framework (SCQF) Partnership to work with programme owners to further develop the LfS related qualifications and awards available for learners in the SCQF Partnership database. This includes qualifications on all LfS themes, including climate change and environmental issues. Phase 1 of this work took place in 2022-23 with eight funded projects.

The Scottish Government also funded NatureScot to develop the [Nature Discovery Map Scotland](#) in 2022-23. This project aims to develop a mapping tool that supports education settings to engage with nature around them to understand the biodiversity and eco-systems of their area and the importance of sustainability and climate adaptation. The pilot of this project was successfully completed in June 2023 and further development is now underway.

Next Steps

- Further climate policy engagement is in development and should provide opportunities to engage with children and young people, for example, through representative organisations.
- The Scottish Government is funding the Children's Parliament and the Scottish Youth Parliament to establish children and young people leadership groups to work alongside the LfS Leadership Group to ensure ongoing engagement with learners on the implementation of the refreshed LfS Action Plan. These Groups are now in place.
- Keep Scotland Beautiful will continue to deliver the Climate Action Schools programme 2023-2024. This will help strengthen awareness-raising amongst children and young people in schools on climate change and environmental issues.
- The Scottish Government is currently funding the SCQF Partnership for a Phase 2 of the work to develop LfS related qualifications and awards available for learners.

6.13 Tackling Child Poverty

No	UN Concluding Observation
46a	Develop or strengthen existing policies, with clear targets, measurable indicators and robust monitoring and accountability mechanisms, to end child poverty and ensure that all children have an adequate standard of living, including by increasing social benefits to reflect the rising costs of living and abolishing the two-child limit and benefit cap for social security benefits;
46d	Ensure that measures to combat poverty comply with a child rights-based approach and include a particular focus on children in disadvantaged situations, especially children of single parents, children with disabilities, Roma, Gypsy and Traveller children and children belonging to other minority groups, asylum-seeking and refugee children, children in large families, and children leaving care.
40a	Assess the impact of welfare changes on children with disabilities and their families, and increase social welfare payments accordingly to ensure that policies do not have a discriminatory effect on them and that such payments are sufficient in ensuring their right to an adequate standard of living.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 7.29 – Child Poverty
- Section 7.32 – 7.36 – Social Security Support

Progress since November 2022

Tackling Child Poverty

Tackling poverty and protecting people from harm is one of three critical and interdependent missions for the Scottish Government, as set out in the First Minister’s [Policy Prospectus](#), published April 2023 – alongside our focus on the economy and strengthening public services. As noted in the [Embedding Children’s Rights in Scotland: Position Statement](#) (2022), the [Child Poverty \(Scotland\) Act 2017](#) (“the 2017 Act”) set in statute ambitious income-based targets to significantly reduce child poverty by 2030-31, with interim targets to be met in 2023-24.

The 2017 Act also established a robust framework for action and to monitor progress. Under the Act, Scottish Ministers are required to publish Tackling Child Poverty Delivery Plans, outlining actions to drive progress towards the child poverty targets, and to publish annual reports on progress made towards meeting the child poverty targets and in implementing the relevant Delivery Plan.

The first Tackling Child Poverty Delivery Plan, [Every Child, Every Chance](#) (2018) identified six [priority family types](#) where children are at greatest risk of living in poverty: lone parent families, minority ethnic families, families with a disabled adult or child, families with young mothers aged under 25, families with a child under one and larger families (three or more children). Our second Tackling Child Poverty Delivery Plan, [Best Start, Bright Futures](#) (2022), remains firmly focused on ensuring that policies and services meet the needs of these families in particular. Almost 90% of all children in poverty in Scotland live within these six priority family types and we

have built our knowledge and understanding of the barriers that these families face in moving out of poverty.

Our most recent annual [Progress Report on Tackling Child Poverty](#) (June 2023), highlights that 40 of the 101 actions set out in 'Best Start, Bright Futures', are either complete or delivering at scale with a further 39 in progress. The report also shows that in 2022-23, we invested an estimated £3 billion across a range of programmes targeted at low income households, with an estimated £1.25 billion directly benefitting children. Key action taken over the reporting period included:

- Delivering the planned expansion and further increase in the value of our Scottish Child Payment from 14 November 2022, which is estimated to lift 50,000 children out of relative poverty in 2023-24.
- Delivering our Five Family Payments: Scottish Child Payment, Best Start Foods and the three Best Start Grants, which could be worth around £10,000 by the time an eligible child turns six and over £20,000 by the time an eligible child is 16.
- Investing around £84 million in Discretionary Housing Payments (DHPs) to support people with housing costs and mitigate the UK Government's bedroom tax, including making £2.6 million available to mitigate the UK Government's Benefit Cap as fully as is possible within the scope of devolved powers.
- Introducing legislation to freeze rents in the private and social rented sector and increase protections for tenants in response to the cost of living crisis.
- Doubling investment in our Fuel Insecurity Fund to £20 million in 2022-23, with investment to be tripled to £30 million in 2023-24.
- Doubling the final Bridging Payment made to low income families with school age children to £260 per child, benefitting 143,000 children in December 2022. Bridging Payments were introduced to provide support to these families ahead of the full roll-out of the Scottish Child Payment on 14 November 2022 and provided almost £170 million in direct financial support over two years.

Alongside the annual progress report, the Scottish Government published [modelling](#) (June 2023), estimating that 90,000 fewer children will live in relative and absolute poverty in 2023-24 as a result of Scottish Government policies, with poverty levels 9% points lower than they would have otherwise been.

Social Security

The Scottish Government has introduced a number of social security benefits which seek to support low income families, including those with a disabled child.

The eligibility criteria for the [Scottish Child Payment](#) (SCP) is based upon receipt of a qualifying benefit based upon a low income. In November 2022, SCP was increased from £20 to £25 per eligible child per week and extended to families with eligible children aged 6-15 years. SCP expenditure in 2023-24, the first full year of full roll-out, is forecast to be £405 million. An [Interim Evaluation of the SCP](#) (2022) indicated that the payments were having a number of positive impacts on families, including those with a disabled child.

[Child Winter Heating Payment](#) (CWHP), formerly Child Winter Heating Assistance, helps mitigate the additional heating costs that households of the most severely disabled children and young people face in the winter months. Eligibility for CWHP was extended from winter 2022 onwards to also be paid to young people up to the age of 19 who are in receipt of the enhanced rate of the daily living component of Adult Disability Payment.

CWHP has provided assistance to 26,555 children and young people for winter 2022-2023, with payments totalling £5.7 million. As of March 2023, the total value of Child Winter Heating payments issued since November 2020 was £13.4 million. The payment will be uprated by 6.7% to £251.50 for 2024-25. The [CWHP Evaluation Report](#), published in August 2022, highlighted that CWHP has largely met its short-term goals and has made some progress towards its medium-term goals. The report will continue to inform future developments of the policy area.

The Scottish Government's [Winter Heating Payment](#) (WHP), which replaced the UK Government's Cold Weather Payment, was launched in February 2023. WHP provides additional support to low income households who have a greater need for heat, including households with disabled children, acknowledging that it is harder for them to meet the costs of heating their homes during the winter months. By providing a reliable payment each winter, it ensures that every person identified as requiring that additional support will receive it. In winter 2022-2023, we paid WHP to 394,135 people, a total investment of £19.7 million. For winter 2024-25, WHP will be uprated by 6.7% to £58.75, a forecast investment of over £24 million. Based on the data available, official estimations suggest that there were around 84,000 WHPs paid out in winter 2022-23 to families responsible for a disabled child or a child under five.¹⁴

[Child Disability Payment](#), the Scottish replacement for Disability Living Allowance for Children, helps cover the extra costs of caring for a disabled or terminally ill child or young person. Since July 2021, Child Disability Payment has paid out £399.9 million to families with disabled children. As of September 2023, it is estimated that over 71,000 children and young people were receiving this disability benefit.

We began transferring the awards of approximately 47,300 children and young people from Disability Living Allowance to Child Disability Payment in October 2021. Social Security Scotland has now completed the transfer process for over 99% of children and young people who were in receipt of Disability Living Allowance for children in Scotland. Over 80% of people surveyed in the [Child Disability Payment Client Survey 2022](#) reported that Child Disability Payment helped to make a difference to their lives.

October 2022 saw inflation reach record levels and in April 2023, the Scottish Government uprated all devolved Scottish benefits by 10.1% - in line with the annual rate of the September 2022 Consumer Prices Index (CPI), at a cost of

¹⁴ The vast majority of these are eligible through Universal Credit for which good data is available, however for some of the other eligibility criteria, information is limited. The figure is therefore subject to some uncertainty.

around £430 million (except for Scottish Child Payment which was uprated early, see above). Since then, inflation has started to slow and on 19 December 2023, the Scottish Government announced that all Scottish benefits would be uprated by 6.7%, the annual rate of the September 2023 CPI, in April 2024. This uprating includes benefits where uprating is a statutory requirement, as well as those where uprating is discretionary, in recognition of the difficulties being faced by many due to the continued increases to the cost of living.

Benefit Take-up

Income via social security benefits is a key driver in tackling poverty in Scotland and strengthening support for families. Ensuring that individuals access all of the social security benefits to which they are entitled is therefore a fundamental priority for the Scottish Government. The [Social Security \(Scotland\) Act 2018](#) (2018 Act) establishes a legal duty for the Scottish Ministers to promote the take-up of benefits within the Scottish social security system. The second [Benefit Take-Up Strategy](#) was published in October 2021.

Reserved Benefits

The Scottish Government does not have the powers to change the two-child limit policy at source while Universal Credit and Child Tax Credits remain reserved to the UK Parliament. Since January 2023, the Scottish Government has been mitigating the benefit cap as fully as possible within devolved powers through Discretionary Housing Payments (DHPs).

Next Steps

Tackling Child Poverty

- As set out in our annual [Progress Report on Tackling Child Poverty](#), in 2023-24, we will continue to focus on strengthening the support available to families in order to mitigate the ongoing cost of living crisis and break the cycle of child poverty in Scotland. This includes:
 - Supporting families by introducing regulations that remove income thresholds and so increase eligibility for Best Start Foods to around an additional 20,000 people from February 2024.
 - Launching Carer Support Payment in pilot areas from November 2023, expanding to more areas from spring 2024, to be available nationally by autumn 2024.
 - Continuing to implement Whole Family Wellbeing Funding, driving whole system change to deliver a long-term shift towards earlier, preventative intervention.
 - Delivering the actions set out in the refreshed Fair Work Action Plan which will be supported by evidence and data as per the associated [Evidence Plan](#) published January 2024.
 - Working with business leaders to agree a set of actions that business can take to support the transition to a wellbeing economy within the frame of the New Deal for Business.
 - Building on emerging evidence to support targeted scale up and sharing of learning around place-based transformation.
- Early Learning and Childcare is discussed at section 5.1 of this report.

Social Security

- The Scottish Government also introduced the [Social Security \(Amendment\) \(Scotland\) Bill](#) on 31 October 2023. The Bill aims to improve the Scottish system of social security and includes a number of different provisions, including the ability to create regulations for childhood assistance. Scottish Ministers intend to use this power in due course to modify the legislative footing on which the Scottish Child Payment (SCP) is based. This will allow the Scottish Government to make regulations for SCP as a standalone payment, in line with other forms of assistance delivered by Scottish Ministers.

Whilst Scottish Ministers envisage SCP eligibility maintaining a close link to reserved benefits, this new approach will allow Scottish Ministers additional flexibility. This would offer scope to better align the payment more closely with other forms of assistance delivered by Scottish Ministers, such as the Best Start Grants and Best Start Foods.

Benefit Support

- We will continue to monitor the impact of Child Winter Heating Payment through management information and will continue to consider improvements going forward.
- Winter Heating Payment will be subject to evaluation and review. This will help to drive continuous improvement in accordance with the Social Security Charter's guiding principles.
- The Disability Assistance (Miscellaneous Amendment) (Scotland) Regulations 2023 further improve the journey from Child Disability Payment to Adult Disability Payment, including enabling payment cycles to be maintained and other minor consequential amendments. These came into force on 20 November 2023.
- As described in the [Evaluation Strategy for devolved disability benefits \(2021\)](#), a series of evaluations, drawing on the experiences of individuals, staff and stakeholders, are planned to help us identify next steps. We have commenced work to evaluate the Child Disability Payment to Adult Disability Payment journey.
- We will commission a further evaluation on our five family payments (Scottish Child Payment, Best Start Foods and the three Best Start Grants) to report in 2025.

6.14 Homelessness

No	UN Concluding Observations
46b	Address the root causes of homelessness among children, strengthen measures to phase out temporary and “contingency” accommodation schemes, and significantly increase the availability of adequate and long-term social housing for families in need, with a view to ensuring that all children have access to affordable quality housing
46c	Ensure that the best interests of the child are given primary consideration in all eviction matters, that evictions are not targeted at families belonging to minority groups and that any evictions are always subject to adequate alternatives;

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 7.37 - Homelessness
- Section 7.38 – Preventing Homelessness for Young People
- Section 7.39 – Access to Housing

Progress since November 2022

Temporary Accommodation

While there will always be a need for temporary accommodation, as people do not necessarily know that they are going to become homeless, the Scottish Government is committed to reducing the number of households, including those with children, in temporary accommodation and the length of time households spend there. We are committed to acting on the recommendations of the expert [Temporary Accommodation Task and Finish Group](#) (March 2023). In our [response](#) (July 2023), we confirmed that we will:

- Invest at least £60 million from the Affordable Housing Supply Programme in 2023-24 to support a National Acquisition Programme to enable local authorities and registered social landlords to acquire properties of the right types and in the right places for use as high quality, affordable, permanent homes.
- Maintain momentum in the Affordable Housing Supply Programme (see below).
- Ask social landlords to increase allocations to homeless households.
- Support councils to develop targeted plans with an additional £2 million in 2023-24.

In the longer term, preventing homelessness before it happens and taking a rapid rehousing approach when homelessness does occur is the best way to limit the number of people in temporary accommodation. Proposals for new prevention of homelessness duties to be taken forward through housing legislation, as outlined in the Scottish Government’s [Programme for Government](#) (September 2023), will aim to ensure responsibility to prevent homelessness is a shared public responsibility and that action to prevent homelessness starts much earlier.

Sections 7.37 and 7.38 of the [Embedding Children’s Rights in Scotland: Position Statement](#) (2022) provide further information on steps taken by the Scottish

Government to prevent homelessness, including amongst young people. Discretionary Housing Payments are discussed at section 6.13 of this report.

Support for Tenants

Since November 2022, we have extended our important emergency measures under the [Cost of Living \(Tenant Protection\)\(Scotland\) Act 2022](#) to help stabilise in-tenancy rents in the private rented sector and temporarily increase eviction protections in the private, social rented and student accommodation sectors. In September 2023, Parliament approved regulations to extend these important emergency measures for a further and final six month period to 31 March 2024. On 24 January 2024, regulations were laid to temporarily modify the existing rent adjudication process for one year. Subject to the approval of the Scottish Parliament, these measures are intended to protect tenants concerned about rent increases following the ending of the emergency measures.

We are continuing to progress further reform of the private and social rented sectors as consulted on in our [A New Deal for Tenants: Draft Rented Sector Strategy Consultation](#) (2021). Some of the measures under consideration include additional protections during the evictions process and reforming how civil damages for unlawful eviction are calculated in both the private rented and social rented sectors. These build on changes introduced under the [Coronavirus \(Recovery and Reform\)\(Scotland\) Act 2022](#), which brought the private rented sector in line with the social rented sector by introducing pre-action protocols for those with rent arrears and discretion for the First-tier Tribunal for Scotland (Housing and Property Chamber), ensuring that the reasonableness of an eviction is taken into account based on the circumstances of the case. These changes are intended to support all tenants facing eviction, including families with children.

Affordable Housing Supply

From 23 March 2022 to 30 September 2023, 15,765 homes were delivered towards the 110,000 affordable homes target, of which 12,188 (77%) are homes for social rent.

An estimated 3,530 households with children have been helped into affordable housing in the year to September 2023 and keeping social rents lower than market rents benefits approximately 140,000 children in poverty each year.

Furthermore, investing at least £60 million from the £752 million Affordable Housing Supply Programme in 2023-24 in a national acquisition programme to increase the supply of social and affordable homes may also offer local authorities the opportunity to increase the number of larger family properties in their portfolio to help reduce the number of children in temporary accommodation.

Next Steps

- Scottish Ministers have agreed with COSLA leaders that funding of £2 million will be allocated to 15 local authorities with above average percentage increases in the number of households in temporary accommodation from 2021-22 to 2022-23. This resource should be used by local authorities to maximise the use of existing housing stock, including large scale flipping of tenancies, effective void

management, greater allocations of social homes to homeless households and bringing empty homes back into use to increase the supply of available affordable housing.

- Our [Programme for Government](#) (September 2023) reaffirms our intention to introduce a Housing Bill to deliver a New Deal for Tenants. This includes the introduction of long-term rent controls for the private rented sector, creating new tenants' rights and introducing new duties aimed at the prevention of homelessness. The exact timing and content of the Bill are still to be confirmed.
- Inflationary pressures, Brexit impacts and wider market conditions have triggered rising construction costs and workforce challenges. This has significantly impacted our ability to progress our 110,000 homes target. We will bring forward a review of the target from 2026-27 to 2024, focusing on the timeline. In parallel, we are also accelerating work with the financial community in Scotland and elsewhere to boost private sector investment in Scotland year on year and help deliver more affordable homes.

7. Education, Leisure, and Cultural Activities

7.1 Educational Attainment

No	UN Concluding Observations
47a	Strengthen measures to address inequalities in educational attainment and improve educational outcomes for children in disadvantaged situations, including children in socioeconomically disadvantaged situations, children belonging to ethnic minority groups, asylum-seeking, refugee and migrant children, children with disabilities and “young carers”, including by:
47a(i)	providing financial and other support for such children to finish school.
47a(ii)	developing guidelines for responding to cases of school absenteeism.
47a(iii)	collecting and analysing data disaggregated by ethnic origin, educational outcomes and other relevant indicators on completion rates, educational outcomes and exclusions to inform policies and programmes.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 7.29 – Child Poverty
- Sections 8.1 – Equal Access to Education
- Section 8.2 – Access to Higher Education

Progress since November 2022

Poverty-related Attainment Gap

The Scottish Government has committed to investing £1 billion in the Scottish Attainment Challenge this parliamentary term. This continues and includes over £520 million Pupil Equity Funding for headteachers, direct funding for all 32 local authorities, and additional funding to support care experienced children and young people’s attainment and wellbeing. This investment further empowers headteachers and local government to improve outcomes for children and young people impacted by poverty. Measures being taken forward to tackle child poverty are discussed at section 6.13 of this Report. Support with the cost of the school day, including the Education Maintenance Allowance, is discussed at section 2.1.

Pre-pandemic, the poverty-related attainment gap in primary schools was closing, but the negative impact of COVID cannot be ignored. [Achievement of Curriculum for Excellence Levels \(ACEL\) data for 2022-23](#) shows improvements at secondary level, with increases in attainment compared to the previous year across the board and a reduction in the gap between those from most and least deprived areas. At primary level there have also been improvements across the board compared to the previous year. The proportions of primary pupils achieving literacy and numeracy are at record highs and the gaps between those from the most and least deprived areas have narrowed. The summer 2023 Scottish Qualifications Authority (SQA) results showed the poverty-related attainment gap at grades A-C has narrowed from pre-pandemic (2019) levels for National 5s, Highers and Advanced Highers.

Care needs to be taken when comparing the poverty-related attainment gap since 2019 due to the different assessment and grading approaches taken in each year due to the pandemic. Evidence from the experience of alternative approaches during the pandemic will be taken into account as part of the reform of qualifications in Scotland.

Promotion of School Attendance

Education Scotland have undertaken work to better understand the current barriers and challenges experienced by schools, children and young people, and their families which influence school attendance. The [Improving Attendance in Scotland: Understanding the Issues report](#) was published in November 2023.

Data

Data on educational outcomes is published by ethnicity and disability and/or additional support need in the following reports:

- [Achievement of Curriculum for Excellence levels: 2022-23.](#)
- [Summary Statistics for Attainment and Initial Leaver Destinations, No. 5: 2023 Edition.](#)
- [Summary statistics for follow-up leaver destinations, no. 5: 2023 Edition.](#)
- [School Attendance and Absence Statistics.](#)
- [School Exclusion Statistics.](#)

Next Steps

Poverty-related Attainment Gap

- As stated above, we will continue to take forward our £1 billion investment in the Scottish Attainment Challenge this parliamentary term.
- Local authorities set [stretch aims](#) for progress in closing the poverty-related attainment gap in 2022-23. [Stretch aims for 2025-26](#) were published in December 2023. If these stretch aims are realised, compared to 2016-17, we would see the poverty-related attainment gaps in primary school literary and numeracy narrow by around 30% over the lifetime of the Scottish Attainment Challenge.

School Attendance

- The Scottish Government will consider the findings of the Education Scotland review on attendance to determine what further support may be necessary.

7.2 Additional Support for Learning

No	UN Concluding Observation
47b	Ensure inclusive education in mainstream schools for all children with disabilities, including by adapting curricula and training and assigning specialized teachers and professionals in integrated classes, so that children with disabilities and learning difficulties receive individual support and due attention.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 8.3 – Additional Support for Learning
- Section 8.4 – Children and Young People with Disabilities

Progress since November 2022

The Scottish Government is clear that children and young people should learn in the environment which best suits their needs, whether that is in a mainstream or special school setting. Legislation on the presumption of mainstreaming contains clear exceptions to enable children and young people to learn in a special school or in a specialist unit. 95% of children with additional support needs (ASN) were educated in mainstream classes in 2022.

There is a range of provision available to support the needs of learners. This includes 109 local authority special schools across Scotland, in addition to specialist provision within mainstream schools. It is for authorities to determine the most appropriate educational provision, taking account of their legal responsibilities and the individual circumstances and wishes of children, young people, and their families.

There is also a requirement under the [Equality Act 2010](#) for responsible bodies to make reasonable adjustments for disabled pupils and provide auxiliary aids and services. Education authorities also have duties under the [Education \(Disability Strategies and Pupils' Educational Records\)\(Scotland\) Act 2002](#) to develop and publish accessibility strategies to: increase pupils' access to the curriculum; access to the physical environment of schools; and improve communication with pupils with disabilities.

Guidance for authorities is provided by the statutory supporting learners' [Code of Practice](#) and [guidance on mainstreaming](#). We are currently working with partners to update the Code of Practice to ensure it fully supports schools and local authorities to fulfil their duties under the [Education \(Additional Support for Learning\)\(Scotland\) Act 2004](#).

Spending on additional support for learning by authorities reached a record high of £830 million in 2021-22 (a 5.9% increase in cash terms, 6.6% in real terms from 2020-21). The Scottish Government has invested an additional £75 million since 2019-20 (£15 million per year). The attainment gap between mainstream school pupils with ASN and with no ASN achieving 1 or more national qualifications at SCQF Level 5 (National 5) or better by the time they leave school has reduced by more than half from 40 percentage points in 2009-10 to 18.8 percentage points in 2021-22.

We are continuing to ensure that teachers and support staff can access appropriate professional learning and development to support the needs of all pupils. The professional teaching standards include specific reference to Additional Support Needs and the teacher's role in supporting all learners. Education Scotland has developed two online resources for practitioners, providing free professional learning on inclusion.

Next Steps

- We are continuing to take forward actions in our [Additional Support for Learning Review: Action Plan](#) (2022). This is discussed further at section 2.6.
- We are also continuing to work with partners to update the statutory Supporting Learners' Code of Practice.

7.3 Use of Exclusions

No	UN Concluding Observation
47d	Monitor the use of exclusions and ensure that they are prohibited in primary schools and used in secondary schools only as a measure of last resort; prohibit the use of informal exclusions and so-called "off-rolling" and provide for appropriate alternatives; and develop measures to address their overuse in general as well as their disproportionate use on children belonging to ethnic minority groups and children with disabilities.
47e	Ensure the right of children to appeal against their exclusions and provide them with legal advice and representation, where appropriate, in line with the Committee's previous recommendations.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 8.7 - Exclusions

Progress since November 2022

The [national exclusion rate in Scotland](#) is published biennially. Although cases of exclusion have increased from 8,323 for 2020-21 to 11,676 for 2022-23, cases in 2020-21 were significantly lower due to COVID-19. The 11,676 exclusions recorded in 2022-23 is 22% lower than in 2018-19 (pre-COVID-19) and is consistent with the overall downward trend since 2006-07.

Our national guidance, [Included, Engaged and Involved Part 2: Preventing and Managing School Exclusions](#) (2017) makes clear that exclusions should only be used as a last resort. Scotland does not use the policy approach of 'off-rolling'. Our guidance also makes clear that all exclusions from school must be formally recorded and that children and young people must not be sent home on an 'informal exclusion' or sent home to 'cool-off'. Section 14 of the [Education \(Scotland\) Act 1980](#) requires that children and young people's right to education is maintained and should be supported during any period of exclusion.

Section 8.7 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022) provides information on the range of strategies and programmes which schools can use to improve relationships and behaviour in schools and prevent the need for exclusions. The Position Statement also discusses the right to appeal an exclusion.

In June 2023, in response to concerns about behaviour in schools, the Cabinet Secretary for Education and Skills convened a Head Teacher Taskforce to discuss exclusions. This work has informed the development of a summit on relationships

and behaviour. A multi-stage approach to the summit has been taken, with events held in September 2023 on recording and monitoring of incidents in schools; in October 2023, which focused on relationships and behaviour approaches; and in November 2023, which discussed the findings from the [Behaviour in Scottish Schools research](#) (2023).

Next Steps

- [Headline statistics on school exclusions for the 2022-23 school year](#) were published in December 2023. Further breakdowns of school exclusions will be published in March 2024.
- The Scottish Government, together with the Scottish Advisory Group on Relationships and Behaviour in Schools (SAGRABIS), will consider the outcomes of the relationships and behaviour summits, and findings of the Behaviour in Scottish Schools research, to identify any actions which should be taken to address concerns raised.

7.4 Discrimination and Bullying

No	UN Concluding Observation
47f	<p>Increase efforts to eliminate discrimination and bullying, including cyberbullying, on the grounds of race, sexual orientation, gender identity or sex characteristics, disability, migration or other status in the school context, and ensure that such measures:</p> <ul style="list-style-type: none"> (i) are adequately resourced and developed in consultation with children; (ii) address the root causes of bullying; and (iii) encompass prevention, early detection mechanisms, awareness-raising on its harmful effects, the empowerment of children, mandatory training for teachers, intervention protocols and consistent and robust recording and monitoring of bullying behaviour

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 8.6 – Anti-bullying

Progress since November 2022

Our national anti-bullying guidance [Respect for All: The National Approach to Anti-Bullying for Scotland’s Children and Young People](#) (2017) continues to provide the overarching framework for all adults working with children and young people to effectively address anti-bullying concerns.

In March 2023, we began a planned review of Respect for All, supported by a working group made up of a wide range of stakeholders, to understand what updates are required to the guidance to better support schools to prevent and respond to bullying. This review includes consideration of the current guidance around prejudice-based bullying, online bullying, and recording and monitoring of incidents.

In February 2023, Education Scotland published the [findings of its thematic inspection](#) on approaches to the recording and monitoring of incidents of bullying in schools. This made a number of recommendations for how approaches to recording and monitoring could be improved. Its findings are being considered as part of the review of Respect for All. Education Scotland has undertaken a second phase of its inspection, looking at good practice in how schools are responding to bullying, which is in its final stages.

In addition, as part of a wider piece of work on relationships and behaviour, a summit was held in September 2023 with a focus on recording and monitoring of incidents in schools. The findings from the summit will also inform the Respect for All update.

The Scottish Government continues to fully fund [respectme](#), Scotland’s anti-bullying service. respectme continues to provide direct support to local authorities, youth groups and all those working with children and young people to build confidence and capacity to address all types of bullying effectively, aligned to ‘Respect for All’. We also provide funding to Childline to offer a helpline providing confidential advice and information to children and young people affected by issues including bullying.

Next Steps

- The updated national anti-bullying guidance is expected to be published in 2024.

7.5 Inclusive Education

No	UN Concluding Observation
47g	Develop guidance, with the participation of civil society and children, for the inclusion of trans and gender-questioning children in schools in all constituent countries, and ensure that such guidance fully respects their rights, including their rights to identity and to privacy.
47h	Remove “colonising” and discriminatory language from textbooks and curricula and develop educative materials that foster respect for and appreciation of racial, cultural, gender and other diversities.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 3.2 – Equalities and Inclusion in Relation to Particular Groups

Scottish Government Position

Anti-Racism in Education Programme

The Scottish Government’s [Anti-Racism in Education Programme](#) (AREP) includes a focus on the importance of decolonising the curriculum; embedding inclusion and diversity in the ethos and life of schools and early learning settings; and creating guidance and resources that further support this. The AREP is discussed in detail at section 2.1 of this report.

[Principles for an Anti-Racist Curriculum: Breaking the Mould](#) (June 2023), which was co-produced with anti-racist educators, set out what is expected from the education system. There are no prescribed textbooks and curricula in Scotland, instead a framework and capacities span a broad range of skills and knowledge. Inclusion,

diversity, respect, and global citizenship are key components of this and are reinforced in all aspects of the education system and in specific programmes such as Rights-Respecting Schools and Learning for Sustainability.

The [Programme for Government](#) (September 2023) includes a commitment to further advance inclusive education in our schools through the AREP, which will continue to embed anti-racist practice and principles in initial and ongoing professional development for teachers and educators, including the promotion of a decolonised curriculum which reflects diversity, social justice and Scotland's role in trans-Atlantic enslavement, as well as the development of robust measures for tackling racist incidents in schools.

Lesbian, Gay, Bisexual, Transgender and Intersex Children and Young People

In 2018, the Scottish Government accepted in full the 33 recommendations of the [LGBTI Inclusive Education Working Group](#) on how to effectively deliver inclusive education across the curriculum. Good progress has been made in delivering the Group's recommendations. For example, the [LGBT Inclusive Education Implementation Group](#), in partnership with the Convention of Scottish Local Authorities (COSLA), has promoted effective delivery of LGBT inclusive education in all Scottish schools and engaged with young people to seek their views and experiences.

The Scottish Government also published [guidance](#) in 2021, which seeks to help schools support their transgender and gender-questioning pupils and secure their rights, alongside those of all pupils. The guidance was developed in consultation with a range of organisations, including LGBT Youth Scotland and the National Parent Forum of Scotland. Section 3.2 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022) provides further information on the steps taken by the Scottish Government to support LGBTI pupils in schools.

Key Resources & Initiatives

Key initiatives that foster respect for and appreciation of racial, cultural, gender and other diversities include the following:

- **Strengthening Curriculum Design for Social Justice, Rights and Equalities: A Big Ideas Approach** - A national co-design group of educators and partners has been exploring how we can strengthen and align curriculum design messages across the social justice, rights, and equalities space.
- [LGBTeducation website](#) - is an important resource that contains a toolkit of inclusive education resources and a basic awareness e-learning course for education staff on LGBT inclusive education.
- **Improving Gender Balance and Equalities Self Evaluation Framework – [Education Scotland's self-evaluation framework](#)** aims to support early learning and childcare establishments, primary, additional support needs and secondary schools to reflect, discuss and plan for an ongoing and sustainable approach to improving gender balance and equalities for all learners. Further information on Improving Gender Balance and Equalities is also available on the [Education Scotland website](#).

- **Education Scotland’s resource on promoting anti-racism in education with a curriculum which reflects diversity.** It is important that all children and young people are represented and see themselves in Scotland’s Curriculum and recognise that it is relevant to them. The Education Scotland Glow Blog includes ideas for [curriculum areas around anti-racist education](#).

Next Steps

Anti-Racism in Education Programme

- Education Reform offers opportunity to further embed anti-racism and inclusion in the system. The Anti-Racism in Education Programme of activity and investment continues to address a range of issues across leadership and professional learning, enhancing diversity in the workforce, and responding to and preventing racism and racist incidents. This work will continue to be framed in the context of the UNCRC, preventing discrimination and promoting social justice.

LGBTI

- The Scottish Government will continue to ensure guidance remains relevant and up-to-date.

7.6 Rights Education in Schools

No	UN Concluding Observation
47i	Ensure the teaching of children’s rights and the principles of the Convention within the mandatory school curricula in all educational settings and in the training of teachers and education professionals.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 2.9 – Raising Awareness of Children’s Rights
- Section 8.8 – Curriculum for Excellence

Progress since November 2022

The detail of Scotland’s curriculum is not prescribed in legislation, with the exception of religious and moral education and observance for which there is some provision. Children’s rights are referenced in the Experiences and Outcomes of the Curriculum for Excellence, most notably in the areas of Social Subjects and Health and Wellbeing.

Learning for Sustainability (LfS) is a theme across Curriculum for Excellence and an approach to learning within it. LfS includes human rights education, global citizenship, climate and sustainability education and other related concepts and is an entitlement to all learners. The Scottish Government published a refreshed and strengthened LfS [Action Plan](#) in June 2023. Rights is a key theme throughout the Action Plan, specifically under the theme of Learner Voice, Choice and Action, recognising the fundamental relationship between rights and the concept of LfS.

In May 2022, the Scottish Government announced three years of funding for UNICEF UK to offer their Rights Respecting Schools Award (RRSA) programme to all 2,400 state primary and secondary schools in Scotland. Prior to this, participation

in the programme was funded at a local level by schools and local authorities. As of January 2024, 77% of Scottish Schools have signed up for the Award (RRSA is discussed further at section 1.10.).

Education Scotland has provided [professional learning](#) to all staff who support schools, community learning and early learning settings with curriculum delivery and design, to ensure educators understand the UNCRC and how it aligns with their own specialisms. There is an extensive range of professional learning offers and resources that can be accessed for free by education practitioners, including local authority leads who have undertaken training, and third sector partners who work with Education Scotland.

Next Steps

- The Scottish Government will continue to take forward the Learning for Sustainability: Action Plan (June 2023).
- Education Scotland is working with the Initial Teacher Education institutions to explore how they can further promote understanding of the UNCRC amongst student teachers.

7.7 Qualifications, Assessment and Learning Environment

No	UN Concluding Observation
47k	End practices, including academic selection and testing measures, which contribute to the high levels of stress felt by students owing to academic pressure, and ensure that children benefit from a creative learning environment.

Relevant section of Scottish Government’s November 2022 Position Statement

- NA

Scottish Government Position

State-funded schools in Scotland do not make use of academic selection in their admissions policies.

Curriculum for Excellence

[Scotland’s curriculum](#) is founded on a number of key principles: challenge and enjoyment, breadth, progression, depth, personalisation, choice, coherence, and relevance in planning learning. These principles empower teachers to provide creative, engaging, and challenging learning experiences for children in the ways which best suit their individual needs, helping children to develop a life-long love of learning.

In Scotland’s curriculum, we define creativity skills in a way that educators across all sectors can identify, value, and discuss with learners. These include: curiosity; open-mindedness; imagination; and problem solving. The development of creativity skills is a responsibility of all educators, with [Creativity in Learning and Teaching guidance](#) provided.

Qualifications and Assessment

In Scotland, learners are assessed in a variety of ways, not just through exams. National 5, Higher and Advanced Higher courses use a combination of externally assessed coursework and exams. Through the growth of vocational and technical qualifications over the last decade, learners are able to access courses and awards which offer a broader range of assessment methodologies.

Many studies from around the world evidence the value of exams in applying a consistent and objective standard as part of an overall approach to assessment. We are clear that exams will continue to form part of the approach in Scotland. Where grades are wholly reliant on teacher assessment, some learners worry that they may not be treated in the same way as their peers, introducing issues of fairness across learners and centres. Some learners do also report that they would like a reduction in the number of exams they take in Scotland.

In October 2021, the Scottish Government commissioned an Independent Review of Qualifications and Assessment led by Professor Louise Hayward. The Review included consideration of what a better balance between internal and external assessment might look like, and how the qualification and assessment system could be reformed to ensure that it meets the needs of all our learners. The [Review's final Report](#), which included the voices of young people, was published in June 2023. The Scottish Government is currently seeking views of stakeholders before providing a formal response.

Learning Environment

It is the statutory responsibility of all local authorities to manage and maintain their school estate. However, the [Learning Estate Strategy](#) (2019) outlines the strategic approach for managing Scotland's learning estate. This embeds a more flexible approach to using the learning estate and includes the following guiding principles:

- Learning environments should support and facilitate excellent joined-up learning and teaching to meet the needs of all learners.
- Learning environments should support the wellbeing of all learners, meet varying needs to support inclusion and support transitions for all learners.
- Good consultation about learning environments, direct engagement with learners and communities about their needs and experiences, and an involvement in decision making processes should lead to better outcomes for all.

Next Steps

- The Independent Review of Qualifications and Assessment, led by Professor Louise Hayward, reported in June 2023. The Scottish Government is carefully considering the evidence and recommendations and will respond in due course.

7.8 Support for Play and Leisure

No	UN Concluding Observation
48a	Develop a strategy, with sufficient resources, aimed at ensuring children's right to rest, leisure and recreation, including free outdoor play.
48b	Integrate children's right to play into school curricula and ensure that children have sufficient time to engage in play and recreational activities that are inclusive and age-appropriate.
48c	Strengthen measures to ensure that all children, including children with disabilities, young children, children in rural areas and children in disadvantaged socioeconomic backgrounds, have access to accessible, safe, public outdoor play spaces.
48d	Involve children in decisions regarding urban-planning processes, including public transportation, and in the development of spaces for children to play.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 8.10 – Support for Play

Progress since November 2022

Support for Play

The Scottish Government is continuing to take steps to promote and support children's right to play. The UNCRC Act incorporates the UNCRC directly into Scots law subject to the limits of devolved competence, including Article 31 on the right of the child to rest, leisure, play and culture, see section 1.2.

Following recommendations from the play sector, a working group was convened in 2022 to oversee a refresh of the Scottish Government [National Play Strategy](#) (2013), through the development of a vision statement and action plan for play in Scotland. To date, the group has guided the production of a report on the views of children and young people on play and play opportunities in Scotland. The report is compiled following a literature review of existing research and will be published in 2024. The views of children and young people will be central in informing the development of the vision statement and action plan.

Education Scotland supports practitioners to engage in meaningful and interactive learning that best fits children's age and stage. Within the Early Level of Curriculum for Excellence, practitioners and teachers are supported to provide responsive and intentional planning and a continuous play-based curriculum for children aged three to six years, with a blend of child-initiated and adult-initiated learning experiences. This emphasis on child-centred play pedagogy seeks to ensure continuity in children's curriculum experiences across the early level and beyond. Education Scotland has worked with stakeholders to support the implementation of '[Realising the Ambition: Being Me](#)' (2020) through programmes of professional learning at national, regional and local level, and the development of the [Early Level Play Pedagogy Toolkit](#).

Outdoor Play

The [National Health and Social Care Standards/Funding Follows the Child and the National Standard Interim Guidance](#) (2021) set out quality criteria that all funded early learning and childcare (ELC) providers are required to meet to deliver the funded entitlement. Criteria 3, which relates to the physical environment, requires that children have daily access to outdoor play and regularly experience outdoor play in a natural environment as part of their funded ELC offer. It is our policy vision that children in ELC will spend as much time outdoors as they do indoors and time outdoors will happen every day, in every setting.

The recent launch of [Caring for Our Outdoor Spaces](#) (October 2023) builds on our '[Out to Play](#)' national guidance series that aims to support ELC practitioners to provide high quality outdoor play experiences for children. In this new chapter, we focus on supporting practitioners to create safe, nurturing, and inspiring outdoor learning experiences which help foster a true love of the outdoors in our young people that stays with them for a lifetime. This resource focuses on embedding Learning for Sustainability in everyday play and learning by providing practical tips, factual information about the world around us and suggestions to extend the children's active engagement with the natural world. Section 8.10 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022) includes additional information on the steps that the Scottish Government has taken to further support and promote outdoor play.

We are investing £60 million to renew play parks in Scotland, so children have access to high-quality outdoor play in their own communities. This funding is for public, free-to-access parks and will be distributed to local authorities over the course of this parliamentary term. The funding will improve play opportunities for children everywhere in Scotland, so that they can experience more play and better play.

We have worked with COSLA to set out the national principles against which spending plans should be developed. These set out how local authorities should review their existing estate, prioritise renewal work, and design play parks that offer improved play opportunities for all children and families, ensuring that engagement of children and young people, inclusion and accessibility are core parts of the programme's design.

Access to Youth Work, Culture and Sport

The Scottish Government recognises that youth work plays an important part in our education system. It helps young people to learn about themselves, others and society through non-formal educational activities which involve enjoyment, challenge and learning. Youth Work has an important role in supporting young people furthest from inclusion to reach their full potential in learning, life and work.

The Scottish Government provides a range of funding for youth work including grants, programmes and special initiatives. It is important to also recognise the key role local authorities have in delivering local youth work services – such as youth centres, youth groups and youth projects. Local authorities are best placed to make

decisions related to spending priorities to meet the needs of young people across their local area.

Participation in cultural and creative activities helps young people grow into confident citizens and plays an important role in fostering wellbeing and supporting attainment. [A Culture Strategy for Scotland](#), published in 2020, set out our commitment to ensuring access to arts for children and young people. While the vision and ambitions of the Culture Strategy remain very relevant, we have refreshed the supporting action plan to set out what steps we will take to deliver the Strategy, taking into account the changed landscape since its publication in 2020. [A Culture Strategy for Scotland: Action Plan](#), published in December 2023, includes workstreams on children and young people's access to culture, with reference to their rights under the UNCRC. These workstreams will consider engagement with children and young people as they develop their work.

[A More Active Scotland: Scotland's Physical Activity Delivery Plan](#) (2018) outlines the actions that the Scottish Government and a wide range of partner organisations will take to support and enable people in Scotland to be more physically active. This includes actions which particularly target the needs of girls and young women and those children and young people who face barriers to participation.

The Scottish Government is committed to breaking down the barriers, financial or otherwise, that keep too many people from leading active lives. Scotland's national agency for sport, sportscotland, works in partnership with all 32 local authorities to invest in and support the Active Schools Network. Data published by sportscotland shows significantly increased participation levels across the past academic year (2022-23) in the Active Schools programme, with 4.6 million visits this year, a 34% rise from 2021-22.¹⁵

Planning

The [National Planning Framework 4](#) (NPF4) was approved by the Scottish Parliament and adopted by Scottish Ministers in February 2023. It includes a long-term spatial strategy, along with a comprehensive set of national planning policies. It forms part of the statutory development plan for an area, together with the relevant local development plan(s) and will influence planning decisions across Scotland. The intent of NPF4 Policy 21: Play, recreation and sport is to encourage, promote and facilitate spaces and opportunities for play. The policy expects local development plans to identify sites for sports, play and recreation for people of all ages, including children.

The [Town and Country Planning \(Play Sufficiency Assessment\)\(Scotland\) Regulations 2023](#), which came into force in May 2023, require planning authorities to assess the sufficiency of outdoor play opportunities for children in their area when preparing an evidence report for informing the preparation of their local development plans (LDPs). The Regulations set out the form and content of the play sufficiency assessment and require planning authorities to engage children locally during the assessment process.

¹⁵ The number of participants (over 269,000 with 46% female), sessions (over 425,000), deliverers (over 17,900 with 90% of those as volunteers), and school/club links (over 2,500) also increased over the same period.

In addition, the [Town and Country Planning \(Scotland\) Act 1997](#) was amended, the change came into force in May 2023, to require planning authorities to engage with children and young people as part of the preparation of LDPs across authorities in Scotland, ensuring children's voices are heard and views are taken into consideration.

Next Steps

Play

- Following the final report on children and young people's views, due to be published in 2024, the working group will draft a vision statement and action plan for play. These will set out how the Scottish Government views play and its benefits for children's development and wellbeing, and the actions we will take in order to realise our vision. The vision statement and action plan will reflect, as far as possible, the views of children and young people from the Children and Young People's Views of Play report.
- Education Scotland will continue to respond to requests for information and support, as well as planning and facilitating professional learning opportunities and networking in partnership with educators across Scotland.

Outdoor Play

- We have committed £20 million since May 2021 to renew play parks in Scotland and have written to all 32 local authorities to confirm their full allocation of funding until 2026.

Youth work, Culture and Sport

- In the spirit of the Verity House Agreement (2023) between COSLA and the Scottish Government, we will work closely with local authorities to update strategic guidance offered to local authorities to support them to develop their statutory Community Learning and Development Plans for 2024-27, which set out local needs and priorities.
- The Minister for Higher and Further Education and Minister for Veterans announced on 5 December 2023 an independent review of Community Learning and Development provision across Scotland. The review will identify strengths in our current approach to Community Learning and Development, including community-based youth work, and provide recommendations to Scottish Ministers and the Scottish Government in June 2024 as work continues towards reforming Scotland's education and skills system.
- We will implement our Culture Strategy Action Plan published in December 2023.
- We will continue to take forward our [Programme for Government 2021-2022](#) (2021) commitment to ensure that Active Schools programmes are free for all children and young people by the end of this Parliament, providing more opportunities for more children and young people to take part in sport before, during and after school.

- We are currently refreshing our Active Scotland Delivery Plan based on new global guidance from the World Health Organisation on what works to improve levels of physical activity across all age groups, including children and young people.

Planning

- All local authorities and the two national park authorities now have statutory duties to carry out play sufficiency assessments (PSAs) for their areas when preparing the evidence report that informs the local development plan-making. The planning guidance to support planning authorities in preparing PSAs was published in December 2023. We continue to encourage the sharing of good practice to facilitate implementation.

8. Special Protection Measures

8.1 Asylum-seeking, Refugee and Migrant Children

No	UN Concluding Observation
50a	Urgently amend the Illegal Migration Act to repeal all provisions that would have the effect of violating children's rights under the Convention and the 1951 Refugee Convention, and bring the Act in line with the State party's obligations under international human rights law to ensure children's right to nationality, to seek asylum and to have their best interests taken as a primary consideration, as well as to prevent their prolonged detention and removal.
50b	Amend the Nationality and Borders Act to abolish the designation of "Group 2" status to certain groups of refugee children, and ensure that all asylum-seeking and refugee children, including unaccompanied children, are not criminalized and have access to necessary support and services.
50c	Review and strengthen the asylum process to ensure that children receive age-appropriate information and legal advice about their rights, asylum procedures and requirements for documentation; that their best interests are given primary consideration in all asylum processes; that their views are heard, taken into account and given due weight; and that they have access to child-friendly justice mechanisms and remedies.
50d	Strengthen measures to ensure that all asylum-seeking, refugee and migrant children have equal and prompt access to education, health services, housing, psychosocial support, and social protection including benefit entitlements;
50e	Put an end to the use of unreliable and invasive procedures for determining a child's age; develop an age determination procedure that is child- and gender-sensitive, includes multidisciplinary assessments conducted by relevant professionals of the child's maturity and level of development, and respects the legal principle of the benefit of the doubt; and ensure that children have access to legal advice throughout the process and, if necessary, can challenge the outcome of such assessments;
50f	Ensure that children and age-disputed children are not removed to a third country.
50g	Develop a consistent, statutory system of independent guardianship for all unaccompanied children, and ensure that all unaccompanied children throughout all jurisdictions of the State party are promptly identified and appointed a professionally trained guardian;
50h	Review its system of family reunification involving unaccompanied children, with a view to ensuring that children have an unqualified right to apply for family reunification and that applications are considered in a consistent, expeditious and child rights-based approach, and that the best interests of the child are a primary consideration in all related decisions.
51a-c	(a) Repeal its "Hostile Environment" policy and ensure the access of children without a regular residence status to independent legal representation, social protection and welfare benefits; (b) Remove the designation of children without a regular residence status and their families into administrative categories that prevent them from

<p>accessing certain services, such as the “No Recourse to Public Funds” throughout all jurisdictions of the State party;</p> <p>(c) Implement long-term solutions for the regularization of children without a regular residence status and strengthen measures to prevent their social exclusion.</p>

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 3.2 – Equalities and Inclusion in Relation to Particular Groups
- Sections 9.1 – Refugee and Asylum-seeking Children

Progress since November 2022

Asylum and immigration are reserved to the UK Parliament. The Scottish Government repeatedly raised concerns that the UK Government’s [Nationality and Borders Act 2022](#) would not achieve the change that is desperately needed in our asylum and immigration systems.

The Scottish Government believes that the UK Government must repeal the [Illegal Migration Act 2023](#) (2023 Act) and considers that the 2023 Act is a clear violation of children’s rights. The Scottish Government wrote to the UK Government to seek amendment to the Illegal Migration Bill prior to it gaining Royal Assent, so that exercise by UK Ministers of a regulation-making power to extend certain Act provisions to Scotland, should not take place without first seeking the consent of Scottish Ministers. The Home Office rejected this request. In June 2023, the Scottish Government hosted a summit to explore with key stakeholders, mitigations against the impact of the 2023 Act in Scotland. Following this event, Scottish Ministers are continuing to carefully consider options available to them in response to the 2023 Act.

The Scottish Government considers that unaccompanied children, including age-disputed children, should be taken into care and supported, not removed to a third country. Unaccompanied children in Scotland are safeguarded under the [Children \(Scotland\) Act 1995](#) and have access to further services under the [Children and Young People \(Scotland\) Act 2014](#). Like all children in Scotland, they are entitled to the full range of supports that can be made available to children under this and associated legislation and provisions. They should also be allocated a social worker and be subject to the same Looked After Children processes as any other child looked after under that legislation.

Age Assessment

Scotland has well-established age assessment procedures in place. Section 12 of the [Human Trafficking and Exploitation \(Scotland\) Act 2015](#) requires that, where the age of a victim of human trafficking is uncertain, but there are reasonable grounds to believe they are under 18 years of age, the relevant authorities must presume that the victim is a child for the purpose of receiving immediate age-appropriate support and services until their age is formally established. The Scottish Government published refreshed [Age Assessment Practice Guidance](#) (2018) to reflect these changes. The Practice Guidance also advises that in cases where individuals state that they are under 18, but there is some doubt, that social workers should give the

individual the benefit of the doubt and provide a children's service in the interim, pending an age assessment. The Guidance, which includes a specific appendix to support taking a trauma-informed approach to age assessment, does not recommend the use of scientific or medical examinations as determinants of age.

In April-May 2023, the Scottish Government funded age assessment training for social workers and social work managers across Scotland who work, or may in the future work, with unaccompanied asylum seeking or trafficked children. The training took participants through the current legal framework and guidance applicable to the conduct of age assessments.

Local authorities also have processes in place to identify a child's nationality and immigration status when their involvement with the child begins or when a child's circumstances change. This includes referring the child to specialist legal advice and support, including a referral to the Child Trafficking Guardian Service, where appropriate.

Independent Child Trafficking Guardian Service

The Scottish Government launched the statutory Independent Child Trafficking Guardian Service on 1 April 2023. The service provides unaccompanied asylum seeking and trafficked children who arrive in Scotland alone, with a guardian to help them navigate life in Scotland and complex asylum and welfare processes. As part of the new statutory service, there is now a duty on local authorities to refer eligible young people to the service provider as soon as reasonably practicable.

Following an open and fair procurement process, the Scottish Government awarded the contract to run the new service to a consortium between Aberlour and the Scottish Refugee Council. Both organisations have been delivering guardianship support to separated children in Scotland since 2010 on a non-statutory basis. This contract will run for an initial three years and receive funding of just under £1 million annually. The service is also discussed at section 8.2.

New Scots Refugee Integration Approach

The Scottish Government is committed to supporting refugees, people seeking asylum and Scotland's communities through our pioneering and collaborative [New Scots: Refugee Integration Strategy approach](#) in partnership with COSLA and the Scottish Refugee Council.

Delivery of the New Scots approach has been enhanced through the New Scots Refugee Integration Delivery Project, which was funded by the EU's Asylum, Migration and Integration Fund to December 2023. The project included a £2.8 million grant fund, which awarded funding to over 50 projects between September 2021 and November 2022 to deliver initiatives designed to help New Scots settle into their new communities by promoting employability, education, health, and social and cultural connections. This EU funding ended in December 2023, following the UK's withdrawal from the EU.

Ending Destitution Together

The Scottish Government and COSLA published the [Ending Destitution Together Strategy](#) in March 2021. The Strategy aims to improve support for people who are at

risk of destitution because they are subject to a No Recourse to Public Funds condition. The Strategy's vision is that no one in Scotland is forced into destitution and everyone has their human rights protected, regardless of their immigration status. The Strategy sets out a range of actions in the areas of essential needs; advice, advocacy; and inclusion. The principles of prevention, partnership and personalisation inform the Strategy's approach. The [Year 2 Report on the Ending Destitution Together Strategy](#) was published in October 2023.

Next Steps

- The Scottish Government intends to review its Age Assessment Practice Guidance (2018) in light of the changes introduced via the Nationality and Borders Act 2022, and Illegal Migration Act 2023.
- Working in partnership, the Scottish Government, COSLA and the Scottish Refugee Council will refresh the New Scots refugee integration strategy, to build on the progress and experience of a decade of work under the New Scots approach. This will include wide ranging engagement so that the strategy continues to be informed by refugees, people seeking asylum and those with expertise in supporting them.
- The refreshed New Scots refugee integration strategy will be published in two stages. Stage One, to be published in spring 2024, will set out context, vision, principles, and outcomes. Stage Two, to be published in summer 2024, will set out actions to deliver on our vision.

8.2 Child Trafficking

No	UN Concluding Observation
52a	Continue to strengthen measures aimed at ensuring the identification and referral of child victims of trafficking to appropriate child-friendly services, including by implementing the national referral mechanism throughout the State party.
52b	Ensure that child victims of trafficking are always treated as victims and have access to the necessary support and services, including psychological support and legal assistance; and establish the system of independent child trafficking guardians throughout the State party;
52c	Investigate all cases of trafficking of children, using intersectoral and child-sensitive proceedings, and bring perpetrators to justice.
55a	Ensure that all children under 18 years of age, including 16 and 17-year-olds, who are victims of offences under the Optional Protocol, including sexual exploitation, sexual abuse material and sexual exploitation in prostitution, are treated as victims, receive adequate protection under the law and have access to remedies;
55b	Amend the Modern Slavery Act to clarify that children can never consent to their own sale or exploitation
55c	Take all necessary measures to prevent, prosecute and eliminate the sale and exploitation of children including by: <ul style="list-style-type: none"> (i) requiring the digital business sector to put in place child protection standards; (ii) ensuring that Internet service providers control, block and promptly remove online sexual abuse material of children; and (iii) undertaking awareness-raising campaigns aimed at prevention for professionals working with and for children, parents and the public at large.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 9.2 – Trafficking and Exploitation

Progress since November 2022

Child victims of trafficking are looked after and accommodated under section 25 of the [Children \(Scotland\) Act 1995](#). Support and protection for child victims of trafficking and any form of exploitation, including sexual, is provided within the context of Scotland's child protection system. The [National Guidance for Child Protection in Scotland](#), published in 2021 and updated in 2023, includes advice on identifying and supporting victims of child trafficking and exploitation and reflects learning from recent cases.

The National Referral Mechanism is the UK-wide framework for identifying victims of trafficking and ensuring they receive the support and assistance they need. The Scottish Government is continuing to work with the Home Office on its pilot to devolve decision-making about children in the National Referral Mechanism. Glasgow City Council is the only Scottish local authority participating. The pilot has been extended to run until March 2024.

The Scottish Government launched a new statutory service called Guardianship Scotland on 1 April 2023. Guardians provide advice and support around asylum claims and trafficking concerns, referring young people to child-friendly, experienced legal representatives, and ensuring that a child protection referral is made where there are concerns that a child may be being trafficked. The service is discussed further at section 8.1 of this report.

Human Trafficking and Exploitation (Scotland) Act 2015

The [Human Trafficking and Exploitation \(Scotland\) Act 2015](#) (2015 Act) introduced a single offence for all forms of trafficking in Scotland. An offence of human trafficking is committed if a person takes a relevant action with a view to another person being exploited. Section 1(2) of the 2015 Act sets out the relevant actions. Section 1(3) of the Act makes clear that it is irrelevant whether a person consents to any part of the relevant action. Section 4 of the 2015 Act creates an offence criminalising where a person holds another person in slavery or servitude or requires them to perform forced or compulsory labour.

Offences under the 2015 Act carry a maximum sentence of life imprisonment. The Act also introduced Trafficking and Exploitation Prevention and Risk Orders, both of which came into force in 2017. To ensure that support and protection for young victims applies to all children, section 40 of the 2015 Act defines a child as a person under 18 years of age.

Section 8 of the 2015 Act places a duty on the Lord Advocate to issue instructions regarding the prosecution of persons who are, or appear to be, the victims of trafficking, slavery, servitude or forced or compulsory labour and who have allegedly committed a criminal offence. The Lord Advocate's Instructions set a strong presumption against prosecution of child victims who have committed an offence in the course of, or as a consequence of, being trafficked or exploited.

Prosecutorial decisions are a matter for the Crown Office and Procurator Fiscal Service, and determinations of guilt are a matter for the Courts, both of which are independent from the Scottish Government.

Trafficking and Exploitation Strategy

The [Trafficking and Exploitation Strategy](#) (2017) set out three action areas to focus work towards the overall vision of eliminating human trafficking and exploitation as follows: identify victims and support them to safety and recovery; identify perpetrators and disrupt their activity; and address the conditions, both local and global, that foster trafficking and exploitation. In October 2022, the Scottish Government launched the second statutory review of the 2017 Strategy. As part of the review process, we engaged with key stakeholders including survivors. The findings of the [Trafficking and Exploitation Strategy review](#), which were published in September 2023, include a commitment to develop a refreshed strategy in collaboration with partners, including those with lived experience of trafficking and exploitation.

Online Safety Act 2023

With reference to online safety, the UK Government's [Online Safety Act 2023](#) establishes a new regulatory regime aimed at ensuring that platforms in scope have systems and processes in place to deal with illegal and harmful content and their associated risk, particularly to children and young people. It empowers Ofcom to better regulate internet services and search engines and, in doing so, make the internet a safer place for users.

The Act provides for the mandatory removal of online child sexual abuse material (CSAM), mandatory risk assessments and mandatory reporting of CSAM to the National Crime Agency. Ofcom will produce a code of practice setting out steps that services should take to comply with their duties in respect of protecting against online child sexual abuse and exploitation, including CSAM.

The Online Safety Act 2023 and the Scottish Government's national public awareness campaigns to support parents and carers to keep their children safer online are discussed further at section 4.4 of this report. Section 4.2 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022) discusses the [Scottish Government's Digital Strategy](#) (2021), which sets out the vision for an ethical digital nation, "A place where children and vulnerable people are protected from harm. Where digital technologies adopt the principles of privacy, resilience and harm reduction by design and are inclusive, fair, and useful."

Next Steps

- The Scottish Government formally commenced the refresh of the Trafficking and Exploitation Strategy in December 2023.

8.3 Age of Criminal Responsibility

No	UN Concluding Observation
54a	Raise the minimum age of criminal responsibility to at least 14 years of age.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 9.5 – Age of Criminal Responsibility

Progress since November 2022

The [Age of Criminal Responsibility \(Scotland\) Act 2019](#) (the Act) increased the age of criminal responsibility in Scotland from 8 to 12 years. It also places a duty on the Scottish Ministers to review the operation of the Act with a view to considering a future age of criminal responsibility within three years of full commencement (from 17 December 2021).

The review period is now in the third and final year and the Age of Criminal Responsibility Advisory Group is making progress on gathering data on the use of police powers and the number of incidents of harmful behaviour by children under the age of 12. The Advisory Group has met twice since November 2022 and has discussed the work being taken forward to review the Act and what would be

required to be put in place to support a future age of criminal responsibility in Scotland.

Next Steps

- By 16 December 2024, the statutory review period will conclude and the Advisory Group will provide a report to the Scottish Ministers outlining the findings from the review and its recommendations for a future age of criminal responsibility.
- By 16 December 2025, the Scottish Ministers will report to the Scottish Parliament on the findings of the review and will provide information to Parliament on any future age of criminal responsibility, based on the findings and evidence from the Review.

8.4 Youth Justice

No	UN Concluding Observation
54b	<p>Take legislative and other measures to ensure that:</p> <ul style="list-style-type: none"> (i) children are not prosecuted as adult offenders, without exception; (ii) the child justice system is applied to all children who were below the age of 18 years when the offence was committed; (iii) rehabilitation periods are determined based on the date the offence was committed, and not the date of conviction; (iv) detention is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to its withdrawal; and (v) life imprisonment is abolished for children and young people who committed offences when they were below the age of 18;

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 9.7 – 16 and 17 Year Olds in the Justice System
- Section 9.9 – Sentencing of Under 18s

Progress since November 2022

It is a fundamental principle of Scots constitutional law that, as the independent head of the systems of criminal prosecution and investigation of deaths in Scotland, the Lord Advocate takes decisions independently of any other person. That doctrine pre-dates devolution, but is reflected in section 48(5) of the [Scotland Act 1998](#): ‘Any decision of the Lord Advocate in his capacity as head of the systems of criminal prosecution and investigation of deaths in Scotland shall continue to be taken by him independently of any other person.’ This principle is not restricted to independence in prosecutorial decision-making. It extends to the content of prosecution policy, for which the Lord Advocate is responsible. So, it would be inappropriate to consider any changes which would undermine that constitutional independence. But with those introductory comments in mind, we offer some further comments below in relation to the UN Committee’s various Concluding Observations.

Care and Justice

We are clear that where children come into contact with care and justice services, or into conflict with the law, responses should only happen in age-appropriate systems

and settings and that, should detention be required, then this will be in small, trauma-informed settings such as secure care.

The [Children \(Care and Justice\)\(Scotland\) Bill](#) is progressing through Parliament. Stage 1 scrutiny was completed in June 2023. The Bill will make important changes across a wide range of issues. These include raising the maximum age of referral to the Children's Reporter to 18. This will enable all children under the age of 18 to be considered for referral to the Principal Reporter, removing existing restrictions on eligibility for 16 and 17 year olds. This will enable more children to benefit from the protection, guidance, treatment or control that can be afforded via Scotland's unique age-appropriate, welfare-based Children's Hearings System. This should reduce the number of children whose cases are dealt with via the criminal justice system but, as noted above, would not affect the constitutional independence of the Lord Advocate and Procurators Fiscal who will retain the discretion to begin criminal proceedings and to prosecute children in court, where appropriate.

For children who appropriately remain within the criminal justice system, the Bill contains a range of measures to enhance the rights of these children, recognising their treatment requires to be distinct from adults, whilst retaining the constitutional autonomy of the courts and judiciary. This includes reflecting the updated definition of a child in respect of criminal proceedings and enhancing steps to safeguard the welfare and safety of children in criminal proceedings and appearing at court.

We are supporting the development of youth courts across Scotland. North and South Lanarkshire both run a Structured Deferred Sentencing Court and Glasgow runs a youth court. Evaluations of the courts have been completed and were overall favourable. A blueprint for the development of youth courts, based on these evaluations, and national and international standards, is being developed through the subgroups of the Scottish Government-led Youth Justice Improvement Board. There is interest in developing youth courts in various other parts of Scotland, with dedicated support available for any area who wishes to consider this.

The Bill will also end the placement of under 18s in Young Offenders Institutions. Secure accommodation and intensive residential and community-based alternatives should instead be used where therapeutic trauma-informed approaches are required for the safety of the child or those around them. The decision to remand or sentence a child to be deprived of their liberty is a matter for the judiciary, informed by relevant legislation. As committed in our [Programme for Government](#) 2023-24 and our commitment to Keep the Promise, we will end new placements of under 18s in Young Offenders Institutions by the end of 2024 through the Children (Care and Justice) (Scotland) Bill, currently progressing through Parliament.

Rehabilitation

The general system of disclosure periods in Scotland uses the date of conviction rather than the date of an offence being committed. This is because if the date of an offence being committed was used, it may mean in some situations that a person would never have to disclose their offence, as a conviction was only achieved after expiry of the relevant disclosure period. This would not be appropriate given the operation of disclosure is intended to strike an appropriate balance between the rights of a person to move away from their previous offending behaviour and the

rights of others to be aware of a person's background when assessing their suitability for, for example, a job.

Sentencing of Under 18s

As discussed at Section 9.9 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022), sentencing in individual cases is a matter for the trial judge, taking account of all the facts and circumstances of each particular case. In January 2022, the Scottish Sentencing Council Guidelines on the sentencing of individuals under 25 came into effect. This includes the guidelines that: "A custodial sentence should only be imposed on a young person when the court is satisfied that no other sentence is appropriate. If a custodial sentence is imposed on a young person, it should be shorter than that which would have been imposed on an older person for the same, or a similar, offence. The court should consider remitting a case to a Children's Hearing for disposal where it is competent to do so".

Section 207(1) of the [Criminal Procedure \(Scotland\) Act 1995](#) provides that it shall not be competent to impose imprisonment on a person under 21 years of age.¹⁶ A court may impose detention (whether by way of sentence or otherwise) on a person, aged between 16 and 21 years of age, where the court would otherwise have a power to impose a period of imprisonment. However, a court can only impose detention on an offender aged under 21 if it is of the opinion that no other method of dealing with the offender is appropriate; and the court is required to state its reasons for that opinion (though this is subject to mandatory minimum sentences for certain offences relating to firearms and dangerous weapons).

In addition, the system of custodial sentencing operates in Scotland with release possible during the period of a sentence. For sentences of four years or less, release is automatic at the halfway point. For sentences of more than four years, release on a discretionary basis can be considered from the halfway point. This applies to all those held in custody/detention, including children.

Article 37 of the UNCRC states that children should not be sentenced to life imprisonment with no chance of release. In Scotland, when imposing a life sentence, the court must specify a 'punishment part', which is the period which the offender must spend in custody. When the punishment part of the sentence has elapsed, the prisoner may apply for parole. The Parole Board will release a life sentence prisoner if they consider the risk posed by that person can safely be managed in the community. If granted, the prisoner will be released on licence.

The Scottish Government is of the view that Article 37 of the UNCRC does not prohibit the use of 'detention without limit of time' with a fixed 'punishment part' (which are mandatory in Scotland for a person convicted of murder) and that, as the possibility of release exists once an offender has served the 'punishment part' of the sentence, our sentencing law is compatible with the prohibition of detention without the possibility of release.

¹⁶ The effect of this is that an offender under the age of 21 cannot be placed in an 'adult' prison.

Next Steps

- The Scottish Government will continue to work with partners to progress plans for implementation, in anticipation that the Children (Care and Justice)(Scotland) Bill will be passed by Parliament.
- The Children and Young People’s Centre for Justice continues to work with partners to support the potential development of youth courts across dedicated areas in Scotland.

8.5 Youth Justice – Early Intervention and Prevention

No	UN Concluding Observation
54c	Develop early intervention for children and actively promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences, and, wherever possible, the use of non-custodial measures for children, such as probation or community service;

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 9.3 – Reducing Violence and Preventing Offending Behaviour
- Section 9.7 – 16 and 17 Year Olds in the Justice System
- Section 9.9 – Sentencing of Under 18s

Scottish Government Position

Scotland has seen dramatic changes in the youth justice sector over the last decade, including a major reduction in the number of young people in custody and the number of young people referred to the Children’s Hearings System on offence grounds. The number of under 18s in custody on 30 June 2007 was 221. As at 2 February 2024, this number was down to two. The number of children referred to the reporter on offence grounds reduced by 73% from 9,765 in 2009-10 to 2,637 in 2022-23.

The Scottish Government is continuing to implement the [Vision and Priorities for youth justice](#) and accompanying [Action Plan](#), which were published in June 2021. The Vision, which was informed by The Promise and the proposed incorporation of the UNCRC into Scots law, is continuing to support the agenda to keep children out of the criminal justice system and to promote the use of a whole system approach (WSA) to preventing offending by young people in Scotland.

The WSA was rolled-out in 2011. This multi-agency approach focuses on early intervention, diversion, court support, transitions and managing risk of serious harm for those up to age 18 (and above 18 in some local authorities). WSA focuses on considering children’s needs in a holistic way, looking at their whole wellbeing and encouraging early intervention, prevention, and co-ordination around the whole family. The WSA is discussed further at 9.7 of the [Embedding Children’s Rights in Scotland: Position Statement](#) (2022).

The Scottish Government published the first ever [Violence Prevention Framework for Scotland](#) in May 2023. The Framework, which draws on the evidence and research

available on violence and what works to prevent it, is discussed further at section 4.6.

Next Steps

- The Scottish Government will continue to implement the Vision and Priorities for Youth Justice and accompanying Action Plan.

8.6 Legal Aid

No	UN Concluding Observation
54d	Ensure the provision of qualified and independent legal aid to children alleged to have, accused of, or recognized as having infringed criminal law at an early stage of the procedure and throughout the legal proceedings;

Relevant section of Scottish Government's November 2022 Position Statement

- Section 3.14 – Legal Aid and Advice
- Section 9.8 – Legal Representation

Progress since November 2022

A children and young people's Letter of Rights has been produced by the Scottish Government. It is given to child suspects and accused persons held in police custody in Scotland. Its purpose is to clearly explain their rights as provided for in domestic legislation. The Letter of Rights was developed by STARR (Scotland's only curated space for secure care experienced children, young people, and adults), in conjunction with the Children and Young People's Centre for Justice (CYPCJ). The CYPCJ works with young people in conflict with the law, ensuring that Scotland's approach to these individuals is rights-based and will help contribute towards better outcomes for Scotland's children and young people.

Children have the same access to legal advice on detention as adults. This is non-means tested. Through the [Criminal Justice \(Scotland\) Act 2016](#), access to a solicitor and attendance by a solicitor at interview can be waived by a suspect. However, section 33 prohibits children under the age of 16, or those aged 16-17 and subject to a compulsory supervision order (CSO), or an interim compulsory supervision order, made under the [Children's Hearings \(Scotland\) Act 2011](#), from being interviewed without a solicitor present. The child cannot waive that right. A child of 16-17 not subject to a CSO can consent to interview without a solicitor only with the agreement of a "relevant" person. Advice is provided either by a named solicitor or by a solicitor on the duty scheme. The Letter of Rights details all of the rights the child has when in police custody.

Next Stage

- The children and young people's Letter of Rights (LoR) will be provided to all children and young people taken into police custody in any police station in Scotland.
- The LoR will be reviewed in 2024 by internal Scottish Government officials and external stakeholders to ensure it remains fit for purpose.

8.7 Use of Remand

No	Concluding Observation
54e	Repeal the practice of remanding children into police custody, ensure that no child is held in police custody overnight, and avoid the use, and reduce the maximum duration, of pretrial detention;

Relevant section of Scottish Government's November 2022 Position Statement

- Section 9.7 – 16 and 17 Year Olds in the Justice System

Progress since November 2022

The Scottish Government does not plan to abolish the practice of remanding children into police custody. The [Children \(Care and Justice\)\(Scotland\) Bill](#), which is currently before the Scottish Parliament, will extend to all under 18s the current legal requirement that where a child who is being prosecuted for an offence is not being liberated by the police, the place of safety must not be a police station unless it would be impracticable, unsafe or inadvisable for reasons of the child's health to be kept anywhere else. An alternative place of safety should be considered for all children and, except in limited circumstances, children should not be kept in police stations.

In addition, during stage 1 of the Bill, evidence was shared suggesting that the general statutory requirement to take a child to a police station following arrest should be reconsidered. Discussions are underway with partners, including Police Scotland and the Scottish Police Authority, to consider this matter further, including the feasibility, practical, financial, and legal implications of any future legislative change.

A local event, which took place in Glasgow in September 2023, considered alternatives to both the requirement to take a child to a police station following arrest and places of safety should a child not be liberated prior to appearing at court. These matters were discussed further at a national event, led by Social Work Scotland and the Children and Young People's Centre for Justice, in November 2023.

Next Steps

- Ongoing discussion with Police Scotland and the Scottish Police Authority to consider the practicalities, implications, and financial impacts of the above matters.

8.8 Capacity Building for Professionals in the Justice and Hearings Systems

No	UN Concluding Observation
17c	Ensure all children have access to officials working with children in the justice system who have been adequately trained on children's rights and child-friendly proceedings.
54h	Ensure capacity-building for judges, prosecutors, police officers and other professionals on child-friendly justice procedures, children's rights and the Convention.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 2.9 – Raising Awareness of Children's Rights

Progress since November 2022

Training on children's rights for professionals working within the Hearings System is discussed at section 2.9 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022). This includes training provided to Children's Reporters, Children's Panel Members, Safeguarders and Children's Hearings advocacy workers.

The independent [Hearings for Children Report](#) (May 2023), commissioned by The Promise Scotland, makes several recommendations relevant to capacity-building within the Children's Hearings System. As an overarching principle, the Report states that "there must be a clear understanding at all levels... about what children and families' rights are and how they should be accessed and upheld". The Report includes the recommendation that there is "national oversight" by the Scottish Government of resourcing and provision of training on a range of topics, including children's rights. There is also a specific recommendation that decision makers in the Hearings System must receive specialist training on how to support children to understand and access their rights. In addition to this, the report recommends that Sheriffs involved in Children's Hearings proceedings must have a clear understanding of children's rights. The Scottish Government published its [Hearings for Children Report: Response](#) in December 2023, and has accepted the recommendations relating to rights training. Further work is underway to implement this as part of the broader Children's Hearings redesign work.

The Scottish Child Interview Model, which is expected to be introduced to every area of Scotland by end of 2024, delivers an interview process that secures the child's best evidence at the earliest opportunity and minimises the risk of further re-traumatisation, see section 4.5. The interviews are carried out jointly by Police Officers and Social Workers using a trauma-informed approach to interviewing. The comprehensive training involves 35 days of face-to-face learning, pre and post course work and self-evaluation techniques. Participants learn about stages of child development, the impact of trauma and adversity, language and communication needs and how these can impact on a joint investigative interview.

Police Scotland constables have taken part in multi-agency training for Children's Interview Rights Practitioners (ChIRPs) under Age of Criminal Responsibility legislation. The intention is to repeat the multi-agency training for social workers, police constables and ChIRPs on an annual basis.

Training for judges is a matter for the Lord President of the Court of Session, who is the head of the Scottish judiciary, independent of the Scottish Government, and has statutory responsibility for making and maintaining appropriate arrangements for the training and guidance of judicial office holders. Responsibility for the delivery of judicial training is delegated to the Judicial Institute which plays an active role in the European Judicial Training Network, and the International Organisation of Judicial Training. Training provided by the Scottish Courts and Tribunals Service to court staff is discussed at section 2.9 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022).

With regard to the Scottish Prison Service (SPS), reference is made to the UNCRC within both the Officer and Residential Officer Foundation Programmes. Staff at HMP & YOI Polmont can access a UNCRC e-learning package through the local Learning and Development site. The SPS College is considering further input around additional UNCRC e-learning packages, which will allow training to be extended across all establishments, operationalising this within a prison context. The Family and Corporate Parenting strategies have also been reviewed.

Next Steps

- The Scottish Government published its response to the “Hearings for Children” report in December 2023. A Children’s Hearings Redesign Board made up of statutory partners has been convened to oversee the implementation of the recommendations that were accepted. The Redesign Board met for the first time in January 2024. A consultation on legislative change relating to children’s hearings redesign is planned for spring 2024.
- See also section 1.11 on awareness raising and training across the public sector.

8.9 Secure Care and Young Offender Institutions

No	UN Concluding Observation
54f	For the few situations where deprivation of liberty is used as a measure of last resort, continue to strive for full compliance with the international requirement to detain children separately from adults and ensure that detention conditions are compliant with international standards, including with regard to access to education and health services, including mental health services;
54g	Address the overrepresentation of children belonging to minority groups in detention and develop measures, in consultation with affected children and their families, to prevent racial profiling by law enforcement authorities;
54i	Promptly investigate, applying a child-friendly and multisectoral approach, all allegations of cases of violence, including sexual abuse, against children in detention; prosecute and duly sanction perpetrators; and provide reparations to victims as appropriate;
54j	End the use of solitary confinement and ensure that any separation of the child from others is for the shortest possible time and is used only as a measure of last resort for the protection of the child or others, in the presence of, or under the close supervision of, a suitably trained staff member.

Relevant section of Scottish Government’s November 2022 Position Statement

- Section 9.10 – Secure Care Accommodation
- Section 9.11 – Young Offenders Institutions

Progress since November 2022

Secure Care Accommodation

The Scottish Government is continuing to promote a Whole System Approach (WSA) to preventing offending by young people in Scotland. The approach focuses on early and effective interventions which aim to keep children out of the criminal justice system. This multi-agency approach focuses on early intervention, diversion, court support, transitions and managing risk of serious harm for those up to age 18. The WSA is discussed further at section 8.5.

Where custody is deemed the only option by the court, then the use of secure care is recommended, where possible, rather than a Young Offenders Institution. Secure care is a form of residential care that deprives children under the age of 18 of their liberty whilst also providing support, care, and education for the purpose of safeguarding and promoting their welfare and meeting their needs. It is for the small number of children who may be a significant risk to themselves or others in the community, whose needs and risks can only be managed in secure care's controlled settings. Secure care aims to provide intensive support, a nurturing environment, and safe boundaries to help these children re-engage and move forward positively in their communities.

Children and young people in secure care have access to education and health services, including mental health services, as any child would do in the community. General Practitioners and dentists visit secure centres regularly. Education is provided in-house and follows Scotland's Curriculum for Excellence. Children also have access to outdoor space and sports during their placement. This is discussed further at section 9.10 of the [Embedding Children's Rights in Scotland: Position Statement](#) (2022).

The Scottish Government has funded the Interventions for Vulnerable Youth (IVY) project since 2014. This project is a multi-disciplinary (psychology/social work) tiered approach to risk assessment and management for high risk young people (aged 12 to 18) who present with both complex psychological needs and a high risk of violent conduct. This includes support to those within secure care.

Segregation in secure care is never used as a punishment and should only be used as a last resort, for example to prevent a young person from significantly injuring themselves or others. Where segregation is used, there are strict measures and time limits to follow. This is discussed further at section 9.10 of the Position Statement (2022).

Future of Secure Care

The Scottish Government's Reimagining Secure Care Project is discussed further at section 5.4.

Young Offenders Institution (YOI)

We are committed to ending the placement of under 18s in YOIs and supporting care-based alternatives as outlined at section 8.4. As of 2 February 2024, there were two under 18s in YOI in Scotland.

On admission to custody, a personal officer is provided to assist children's introduction to the environment, supported by Peer mentors.

The central premise of the Scottish Prison Service's refreshed [Vision for Young People in Custody](#) (2021) remains for young people to spend their time in custody enabling them to prepare for a positive future. Children undergo a review under the Whole System Approach, including their initial custody review with the community lead partner. They also receive a full assessment of their physical and mental health needs. Following this assessment, referrals are made to a doctor or Advance Nurse Practitioner (ANP), or other specialists, as necessary.

SPS is in the final stages of developing an overarching Mental Health Strategy with a series of outcomes that will reflect the needs of the whole population with the specific needs of children and young people referenced where relevant.

HMP&YOI Polmont's Inclusion Unit is designed to work with those young people and women, whether on remand or convicted, who are most disengaged and finding it difficult to manage their time in custody. The staff provide individualised support that meets needs either on a one to one and/or group basis using a variety of interventions. Referrals to the unit come from staff and partners across the establishment.

Robust measures have been put in place by management within HMP & YOI Polmont, to reduce the number of children held within the Separation and Reintegration Unit (SRU).

In the event that someone is removed from association, there will normally be no unnecessary restrictions on entitlements to visits, including legal visits, access to telephones and correspondence and exercise, unless their management plan or care plan considers it necessary. The focus throughout the period the person is removed from association is to reintegrate them at the earliest and safest opportunity back into the mainstream population thus minimising any time spent separate from others. The Inclusion Team often support reintegration.

HM Inspectorate of Prisons for Scotland inspects the arrangements for persons removed from association.

Cases of Violence in the Youth Justice System

Instances of violence in secure care are reported to relevant bodies, including the Care Inspectorate, Police Scotland, and the Scottish Social Services Council, in line with child protection policies.

With reference to the SPS, any instances of violence involving children are reported to the police. Independent Prison Monitors, appointed under the [Prisons \(Scotland\) Act 1989](#) to monitor the conditions in prison and the treatment of people in custody, also have powers to investigate any matter that a prisoner refers to them.

Next Steps

- See section 5.4, Keeping the Promise, and section 8.4, Youth Justice.

9. Optional Protocols

9.1 Optional Protocol on the Involvement of Children in Armed Conflict

No	UN Concluding Observation
56a-b	(a) Consider withdrawing its interpretative declaration on article 1; (b) Consider raising the minimum age of voluntary recruitment into the armed forces to 18 years;
56c	(c) Prohibit all forms of advertising and marketing for military service targeted at children, in particular at schools and targeting children belonging to ethnic minority groups and socioeconomically disadvantaged children;
56d-e	(d) Ensure that safeguards for voluntary recruitment are sufficient, including by ensuring that no child from a separated family is recruited with the consent of only one parent; (e) Ensure that children currently enlisted in the armed forces do not serve a minimum period that is longer than those who enlisted as adults and that they have the right to leave the armed forces with no notice period;
56f	(f) Promptly investigate any reports of sexual abuse, sexual harassment and other forms of violence against children in the armed forces, particularly during armed forces training, and ensure that perpetrators are prosecuted and sanctioned;
56g	(g) Take measures to address the reported heavy mental health burden among child recruits, including incidence of suicide among infantry personnel who enlisted when they were under the age of 18;
56h-i	(h) Ensure that all children under 18 years of age receive special protection under the Joint Doctrine Publication 1-10 for Captured Persons, including by amending the definition of the child in line with the Convention; (i) Ensure the early and effective identification of all asylum-seeking, refugee and migrant children who may have been recruited or used in armed conflicts abroad upon entering the State party;

Relevant section of Scottish Government's November 2022 Position Statement

- Section 9.14 – Young People in the Armed Services

Scottish Government Position

Matters of defence are reserved to the UK Parliament. Across all parts of the UK, a young person can join the Armed Forces from the age of 16. In Scotland, as in the rest of the UK, parental consent for 16 and 17 year olds is required before they can do so. The Ministry of Defence has strict policies that prevent the involvement in hostilities of UK service personnel under the age of 18. The Scottish Government expects the Ministry of Defence to uphold these policies in full.

Military Visits to Schools

Statutory responsibility for the delivery of education sits with local authorities, as set out under the [Education \(Scotland\) Act 1980](#). As such, it is for schools and local

authorities to ensure that involvement of any employer or other partner in the school adds value, meets the needs of learners, and does not seek to exert undue or inappropriate influence.

The Military have strict guidelines about engaging with young people and can only attend careers fairs in schools when invited by a school. Skills Development Scotland (SDS) and Developing the Young Workforce (DYW) do not promote military careers in schools. SDS's online digital platform, [My World of Work](#), includes information regarding roles and careers in the armed forces, but does not actively promote these within schools.

9.2 Ratification of Optional Protocols

No	UN Concluding Observation
57	The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, accede to the Optional Protocol on a communications procedure.
58	The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Relevant section of Scottish Government's November 2022 Position Statement

- Section 3.5 (Optional Protocol 3)

Scottish Government Position

The Optional Protocol 3 (OP3) to the UNCRC provides for a mechanism through which a child, following exhaustion of all relevant local complaints and appeals procedures, can make a complaint about the violation of his or her rights directly to the UN Committee on the Rights of the Child. The OP3 has not, to date, been signed and ratified by the UK Government. The Scottish Government has welcomed the OP3 in principle and confirmed that Scottish Ministers would be minded to offer measured support for its signature and ratification in the future.

The UK Government, as the State Party, has neither signed nor ratified the Convention for the Protection of All Persons from Enforced Disappearance, or the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Scottish Ministers continue to press the UK Government for ratification of both of these Conventions.

9.3 Cooperation with Regional Bodies

No	UN Concluding Observations
59	The Committee recommends that the State party continue to cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the Council.

Relevant section of Scottish Government's November 2022 Position Statement

- NA

Scottish Government Position

The Scottish Government actively supports and participates in UK engagement with all signed and ratified international human rights monitoring mechanisms of the UN and Council of Europe (CoE). We also welcome both formal and informal visits and examinations by scrutiny bodies of both the UN and CoE. Scottish Government Ministers and officials work closely with Whitehall counterparts, and with the Welsh Government and, in so far as possible, the Northern Ireland Executive, to ensure that formal reporting processes (undertaken on behalf of the UK as the State Party) properly reflect devolved policies and interests.

10. Follow-up and Dissemination

No	UN Concluding Observation
60	Take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including the ones in the most disadvantaged situations. The Committee also recommends that the combined sixth and seventh periodic reports and the present concluding observations be made widely available in the languages of the country.

Relevant section of Scottish Government's November 2022 Position Statement

- N/A

Scottish Government Position

Following the publication of the Concluding Observations, Ministers were made aware of the recommendations which these contained, including which Concluding Observations were relevant to their responsibilities. This information was also disseminated to portfolios across the Scottish Government for consideration and implementation as appropriate.

The Scottish Government will engage with children and young people to plan and progress a broader programme of awareness raising.

Next Steps

- The Scottish Government is carefully considering the Concluding Observations and will develop its approach to advancing these over the next reporting cycle. This will include an awareness raising and engagement strategy with children and young people and civil society.



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