

Strategic Police Priorities for Scotland

Final Children's Right and Wellbeing Impact Assessment

October 2016



Scottish Government
Riaghaltas na h-Alba
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Final CRWIA - Web version of Policy CRWIA

Strategic Police Priorities for Scotland – Final Children’s Rights and Wellbeing Impact Assessment October 2016	
Policy/measure	<p>To review the Strategic Police Priorities (SPPs) which are provided for through section 33 of the Police and Fire Reform (Scotland) Act 2012 (the Act).</p>
Summary of policy aims and desired outcomes	<p>The current SPPs were set in 2013, in the context of police reform and the creation of a single police force (Police Scotland) and single police authority (the Scottish Police Authority).</p> <p>The revised SPPs will provide a clear mandate for the Scottish Police Authority and Police Scotland going forward. They will set out our shared aspirations and expectations for policing in Scotland and will be used by Scottish Ministers, the Scottish Police Authority and Local Scrutiny Committees to guide our approach as we enter a new phase of transformation for our police service.</p>
Directorate; Division; Team	<p>Directorate for Safer Communities, Police Division, Strategy Unit</p>
Executive Summary	<p>The Police and Fire Reform Scotland Act 2012 provides for Scottish Ministers to set SPPs which can relate to the policing of Scotland and the statutory functions of the Scottish Police Authority (SPA). They provide an outline of what is expected of our police service and make the link between the Scottish Government’s National Outcomes and our approach to policing.</p> <p>It is recognised that policing plays a particularly important role in protecting and promoting the rights and wellbeing of children and young people. It is right therefore that the Scottish Government should be able to demonstrate that full consideration has been given to ensuring that the revised SPPs promote, and do not in any way hinder, opportunities and efforts in this regard.</p> <p>The revised SPPs which issued for public consultation in June of this year were designed to be inclusive and support the rights and wellbeing of all people and communities in Scotland, including children. Throughout the consultation period we sought views on how the proposed Priorities might be developed and, through our discussions with partners, we have identified an opportunity to further emphasise the crucial role that the police play in promoting inclusion, supporting community cohesion and reducing inequalities experienced by groups within our society (including children).</p> <p>We have sought to reflect this through the inclusion of an</p>

	<p>additional priority focussing on ‘Inclusion’. Moving forward, we expect that this, and each of the other priorities, will be translated into more specific objectives (through the Strategic Police Plan) and operational priorities (through the Annual Police Plan) for the policing of Scotland, including specific action designed to promote the rights and wellbeing of children and young people. We expect that further impact assessment will be carried out by Police Scotland and the SPA to support that work.</p>
<p>Background</p>	<p>CONTEXT</p> <p>It is recognised that the police play a key role in protecting and promoting the rights and wellbeing of children and young people. This role is particularly critical in the case of children with particular vulnerabilities and children who, for whatever reason, come into contact with the criminal justice system whether as victims, witnesses or as alleged perpetrators of offending behaviour.</p> <p>The police are frequently the ‘front line’ of the wider criminal justice system’s interaction with children and young people, so policing has a pivotal role to play in ensuring the system as a whole delivers respectful and inclusive interactions with them.</p> <p>The nature of modern policing and the rate of change in society have led to the recognition of the need for tailored police services to support children and young people and most importantly keep them safe. A single police service for Scotland has provided an opportunity to have dedicated officers who often work with partners to offer specialist support in relation to, for example:</p> <ul style="list-style-type: none"> * Substance Misuse – The Choices for Life programme provides a vital preventative message through local policing teams. * Public Protection – The National Child Abuse Investigation Unit is a team of specialist officers who carry out complex investigations and support the work of divisional Public Protection Units * Internet Safety – The national structure has provided for a great focus and better planned resources in response to the dangers posed online * Early and Effective Intervention – An important part of the work of Police Scotland in conjunction with a range of partners in relation to youth justice <p>Police Scotland is soon to publish the national force’s first Children & Young People Strategy which will set out for the next</p>

four years their commitments and objectives to children and young people.

Clearly, children and young people can be vulnerable in a variety of ways. We know from the Scottish Crime and Justice Survey 2014/15 that around one fifth (20.4%) of 16 to 24 year olds were at risk of being a victim of crime, compared with 6.8% for those 60 or over.

In 2015/16 there were 15,329 individual children referred to the Scottish Children's Reporter Administration (SCRA). The total number of individual referrals (there can be more than one referral per child) was 27,340. Of the 15,329 children referred, 10,414 were referred by the police (20,461 individual referrals). Some of the children referred by the police may also have been referred by other bodies.

The vast majority of referrals were on non-offence (care and protection) grounds. However, a total of 2,761 children were referred on offence grounds (6,663 individual referrals). The vast majority of those referred on offence grounds were referred by the police (2,745 children and 6,604 referrals respectively). Of the 20,461 individual referrals made by the police, 13,857 related to non-offence (care and protection) grounds. This included 1,533 referrals made due to the child in question having been a victim of a schedule 1 offence (i.e. a physical, emotional or sexual offence against a child, as listed in Schedule 1 to the Criminal Procedure (Scotland) Act 1995).¹

Clearly, the police play an important role in child protection, having a legal responsibility to investigate concerns.

Child protection is therefore a fundamental part of the duties of all police officers. Officers may become aware of children who may be at risk in a variety of ways. Officers should be sensitive to the impact of adults' behaviour on any child normally resident within the household when attending incidents or conducting investigations, for example domestic abuse, problematic alcohol/drug use. Officers may gain access to homes where living conditions are poor. When conducting investigations, they may become aware of children who are at home where they should be at school or they may be suspicious about a child's status within the household. A child's appearance or demeanour may give rise to concern. Officers will also be mindful of the need to ensure adequate care arrangements when parents are detained or cannot care for their children for other reasons. Police officers have a statutory duty to refer all children who may

¹ SCRA Online Statistics 2015/16: <http://www.scra.gov.uk/wp-content/uploads/2016/07/Online-Statistics-2015-16.pdf>

be in need of Compulsory Measures of Supervision to SCRA.

In the period from 1 August 2014 to 31 July 2015 (the most recent period for which statistics are available) there were 2,751 children on the child protection register in Scotland. This represents a 4% decrease from the previous year, but a 34% increase overall since 2000. It is equivalent to a rate of 3 out of every 1000 children across Scotland, though regional variations in the numbers of children on the register are significant.²

A number of studies on the views of children and young people on the youth justice system generally indicate the importance of effective engagement by the police and other services with children. A small in-depth study with 14 children and young people at the edge of social exclusion or already involved in the criminal justice system concluded that the link between young people presenting with offending behaviour and children growing up in challenging social circumstances is clear. The study's recommendations focussed on the importance of early intervention, listening to the voice of the child and building the resilience of children and young people at risk of social exclusion.³

Other studies have suggested that the most effective youth justice interventions were considered to be those that take account of the individual, social and economic contexts in which antisocial behaviour and crime take place. The most valued interventions were those that allowed respectful interactions with youth justice professionals to be developed⁴ and emphasised the importance that children and young people place on respectful and friendly interactions with youth justice professionals.⁵

REVISING THE STRATEGIC POLICE PRIORITIES

The Police and Fire Reform (Scotland) Act 2012 provides for Scottish Ministers to set SPPs which can relate to the policing of Scotland and the statutory functions of the SPA. They provide an outline of what is expected of our police service and make the link between the Scottish Government's National Outcomes and our approach to policing.

² Children's Social Work Statistics Scotland 2014/15
<http://www.gov.scot/Publications/2016/03/5133/326277>

³ Newman, G. (2011). Challenging or Challenged? Views of Young People at the Edge of Exclusion.
http://www.highlandchildrensforum.org/userfiles/file/hcf_reports/Challenging-or-Challenged_-2011.pdf

⁴ Elsley, S. et al. (2013). Children and young people's experiences of, and views on, issues relating to the implementation of the United Nations Convention on the Rights of the Child (Para. 9.3). <http://www.gov.scot/Publications/2013/07/1108/9>

⁵ Children's Parliament (2010). Lothian & Borders Police Youth Strategy: Hearing the views of children.

Scottish Ministers must consult with the SPA, the Chief Constable, representatives from local authorities and anyone else they consider relevant before setting new priorities. Scottish Ministers must have regard for the policing principles, set out under section 32 of the Act, when setting new SPPs and a copy must be laid before the Scottish Parliament.

A set of SPPs were set in 2013, in the context of police reform and the creation of a single police force (Police Scotland) and single police authority (the Scottish Police Authority).

The four SPPs were:

Make communities safer and reduce harm by tackling and investigating crime and demonstrating pioneering approaches to prevention and collaboration at a national and local level.

Actively support a decisive shift towards prevention by promoting evidence based practice and effective partnerships to make the most of collective resource, knowledge and expertise, especially around reducing violence and reoffending, substance misuse, promoting better outcomes for young people who offend and protecting children, young people and vulnerable adults.

Strengthen Scotland's reputation as a successful and safe country by demonstrating excellence in effectively planning for and responding to major events and threats.

Work across national, international, and organisational boundaries to ensure the Commonwealth Games and other important events are safe and secure; contribute effectively to multi agency arrangements to deal with emergencies; and minimise threats to our communities arising from extremism and serious organised crime.

Provide an efficient, effective service focused on protecting frontline services, delivering the benefits of police reform, and promoting continuous improvement.

Deliver the three benefits of reform and work with others to ensure that the criminal justice system is fair and accessible, using science, technology and innovation to support the delivery of an effective and efficient police service.

Make communities stronger and improve wellbeing by increasing public confidence and reducing fear of crime, making the new Police Service of Scotland an exemplar of visible, ethical and responsive policing.

Ensure that victims, witnesses and communities experience positive engagement with the police by providing inspirational leadership and embedding a culture, identity and values which provide a highly skilled and motivated workforce to deliver

improved local services with the consent and involvement of communities.

In September 2015, the Scottish Government set out its intention to work with members of the public, communities and elected representatives to review the SPPs. The first phase of engagement for the review was launched on 7th December 2015, supported by a discussion paper which centred on the question 'What are your priorities for your police service?'. The document was published on the Scottish Government website and sent to a variety of stakeholders including Local Authority Police Scrutiny Committees, all MSPs, senior police officers, SPA Board members and staff, and various other stakeholders including a range of third sector organisations.

The first phase of engagement was intended to prompt a general discussion about the aspects of policing which are most important to people and organisations from across Scotland. The covering letter had two 'asks', firstly that people consider what is important to them about policing, and secondly that they promote the discussion as widely as possible across their own areas.

As part of this initial phase of engagement, Scottish Government officials attended a number of local authority police scrutiny committee meetings and community planning events. A workshop with YoungScot's Police Scotland Youth Advisory Panel also took place.

A total of 68 responses were received and 18 ideas were posted on the Scottish Government's online policy ideas platform.

In addition to work specifically focused on the SPPs, the Scottish Government has been conducting a discussion around how we can become a Fairer Scotland by 2030. That discussion was launched in June 2015 and since then over 7,000 people have taken part in Fairer Scotland public events as well as locally organised sessions, with many more taking part online. Policing was raised in a number of the Fairer Scotland discussions and views captured have been used to augment those collected as part of our initial engagement on the Strategic Police Priorities.

There has also been internal engagement carried out with Scottish Government officials to specifically consider the children's rights and wellbeing issues arising from the proposed revision of SPPs. In addition, an initial review of existing research exploring views of different groups impacted by policing has been carried out. The research review took account of the following data sources:

- Scottish Crime and Justice Survey 2014/15⁶,
- Scottish Household Survey (2014)⁷,
- EQIA for the Police and Fire Reform (Scotland) Act 2012⁸,
- Race Equality Framework for Scotland 2016-2030⁹,
- Equality and Human Rights Commission, 'Hidden in Plain Sight' (2011)¹⁰,
- SPA, 'Mainstreaming Equality Outcomes - Update Report' (April 2015)¹¹,
- Scottish Transgender Alliance, 'Transgender Experiences in Scotland – Report Summary' (2008)¹²,
- Scottish Government, 'Religiously Aggravated Offending in Scotland 2012/13'¹³.

A revised set of Priorities were issued for full public consultation on 22 June, with a deadline for responses of 16 August. The revised SPPs which formed the basis for that consultation were informed by all of the evidence described, together with lessons that have been learned over the first three years of operation of Police Scotland and the SPA. The Priorities focused on the six themes:

- Ensure that the needs of communities are understood and reflected in the planning and delivery of policing. (Localism)
- Ensure the police service works to prevent crime and reduce fear of crime through partnership, communication, education, and innovation, placing particular focus on the need to address inequalities within and between communities. (Prevention)
- Focus policing on keeping people safe by tackling crime and responding to and investigating incidents effectively and efficiently. (Response).
- Ensure that the police service works collaboratively with partners at both a local and national level to deliver better outcomes for people in Scotland. (Collaborative Working).
- Maintain public confidence in policing and inspire trust by being transparent, accountable and acting with integrity, fairness and respect. (Accountability).

⁶ <http://www.gov.scot/Publications/2016/03/5269>

⁷ <http://www.gov.scot/Publications/2015/08/3720>

⁸ <http://www.gov.scot/Publications/2013/02/2968/5>

⁹ <http://www.gov.scot/Publications/2016/03/4084>

¹⁰ https://www.equalityhumanrights.com/sites/default/files/ehrc_hidden_in_plain_sight_3.pdf

¹¹ <http://www.spa.police.uk/assets/128635/equality-mainstreaming-report>

¹² <http://www.scottishtrans.org/wp-content/uploads/2013/03/staexperiencesummary03082.pdf>

¹³ <http://www.gov.scot/Publications/2013/06/1944>

- Ensure the police service is able to take advantage of new opportunities and meet emerging threats and challenges. (Adaptability).

The Priorities were designed to be inclusive and to support the rights and wellbeing of all people and communities in Scotland, including children and young people. A combined partial Equality Impact Assessment and Children's Rights and Wellbeing Impact Assessment was prepared and published alongside the consultation document.

A total of 110 consultation responses were received, including a number from organisations directly concerned with promoting the rights and wellbeing of children and young people. Scottish Government officials also participated in a workshop hosted by Children in Scotland, attended by the following organisations:

- Children in Scotland
- Together Scotland
- University of Edinburgh
- NHS Lothian
- Stonewall Scotland
- Barnardos Scotland
- City of Edinburgh Council

VIEWS EXPRESSED THROUGH ENGAGEMENT/CONSULTATION

Input received from stakeholders through our engagement on the revised SPPs reveals a consensus around the key role the police play in regard to the rights and wellbeing of children and young people. There is evidence to back up the view. Furthermore, there is evidence to support the view that continuing work to improve the police's interaction with children and young people, and children and young people's perceptions of the police, is of importance in allowing the police to effectively fulfil that role.

In the course of the formal consultation, a number of stakeholders expressed a wish for this CRWIA to provide a detailed, evidence based account of the effect of the revised SPPs on Police Scotland's ability to carry out that role. As has already been stated, the SPPs are strategic in nature, setting the overall context within which policing as a whole is delivered. They do not seek to direct specific operational policing activity or to set detailed objectives and associated measures for policing. Accordingly, we do not consider it appropriate for this CRWIA to seek to offer a comprehensive analysis of our police service's efforts to promote children's rights and wellbeing.

Instead, we would expect that detailed consideration of such matters would form part of the strategic planning processes which sit underneath the SPPs and support the operational delivery of police services, influencing (for example) the content of the SPA Strategic Police Plan, Police Scotland's Annual Police Plan and Police Scotland's forthcoming Children and Young People Strategy.

Some stakeholders have expressed the view that the SPPs should be more explicitly focussed on human rights, and that such an approach would be more conducive to protecting and promoting the rights of children and young people. We have sought to ensure that the revised SPPs properly recognise the crucial role of the police in protecting and promoting those rights.

Stakeholders also highlighted the importance of Police Scotland's role as a Corporate Parent. Corporate Parenting is defined as the formal and local partnerships between all services responsible for working together to meet the needs of looked after children, young people and care leavers. Part 9 of the Children and Young People (Scotland) Act 2014 places specific duties on The Scottish Police Authority and Chief Constable of Police Scotland as a corporate parent (as set out in schedule 4 of the Act). Again, we do not consider it would be appropriate to cover an issue of this nature within the text of the SPPs. However, we do expect that the issue of Corporate Parenting will feature in the detailed planning of operational policing activity at both local and national level which flows from the SPPs.

Other issues raised by stakeholders, including children and young people, concerned with children's rights and wellbeing were:

- **The importance of collaborative working.**
Stakeholders recognised that excellent examples exist of collaborative working between Police Scotland and its partners. However, there was a strong desire to build on these and to improve the strength of collaborative working overall. The importance of collaborative working with youth work as well as schools was stressed particularly strongly.
- **The importance of police officers being empowered to use their discretion** in their dealings with children and young people.
- **The importance of the police workforce having the appropriate skillset** to respond to the challenges they face, such as the changing nature of crime and changes in community policing.
- **The importance of the police having an effective approach to all child protection matters.**

	<ul style="list-style-type: none"> • The importance of the police having an effective approach to engaging with young people. • Concern that the police are sometimes seen as too bureaucratic. • The wish for fuller data on youth justice and other issues affecting children and young people.
<p>Scope of the CRWIA</p>	<p>The SPPs will set the top level framework for the delivery of policing in Scotland.</p> <p>It is recognised that the police have a particularly important role in protecting and promoting the rights and wellbeing of all children, and especially those children who have particular vulnerabilities. It is for the SPA to consider issues of particular relevance to children and young people in the Strategic Police Plan, and for Police Scotland to reflect these in its Annual Police Plan, local plans and in the development of its other policies and procedures. This CRWIA does not extend to these planning processes. However, we would expect matters relating to the rights and wellbeing of children to be considered directly through those exercises. We will share information gathered through this exercise to inform those processes.</p>
<p>Children and young people’s views and experiences</p>	<p>As set out above, our work to revise the SPPs has drawn on a range of quantitative and qualitative evidence focused on children’s experiences of policing. We have also engaged directly with children and young people, attending a workshop with Police Scotland’s Youth Advisory Panel, supported by Young Scot.</p>
<p>Key Findings</p> <p>To include impact on UNCRC rights and contribution to wellbeing indicators</p>	<p>There is scope for the SPPs to impact on a significant number of the articles contained within the UNCRC. These include (but are not limited to):</p> <ul style="list-style-type: none"> • Article 2 – Non Discrimination • Article 3 – Best Interest of the Child • Article 4 – Protection of Rights • Article 6 – Life, Survival and Development • Article 12 – Respect for the Views of the Child • Article 23 – Children with Disabilities • Article 31 – Leisure, Play and Culture • Article 33 – Drug Abuse • Article 34 – Sexual Exploitation • Article 35 – Abduction, Sale and Trafficking • Article 36 – Other Forms of Exploitation • Article 37(a) – Inhumane Treatment and Detention <p>Policing is also relevant to the eight wellbeing indicators – Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible,</p>

Included (SHANARRI) – developed by the Scottish Government as part of the GIRFEC approach.

The revised SPPs proposed in the formal public consultation exercise were intended to reflect and reinforce the need for Police Scotland to act with a view to reducing inequalities and to build strong relationships with all communities and groups within Scotland, including children and young people.

In light of input received from stakeholders during the consultation exercise, we have made further revisions to the proposed new SPPs. These are now as follows:

- Ensure that the needs of local communities are understood and reflected in the planning and delivery of policing at a local and national level. (Localism)
- Ensure our police service is accessible and responsive to the needs of all people in Scotland. (Inclusion)
- Ensure our police service works to protect people by preventing crime and reducing fear of crime through communication, education, innovation and partnership working. (Prevention)
- Focus policing on improving the wellbeing of individuals and communities by tackling crime and responding to and investigating incidents effectively and efficiently. (Response)
- Ensure that the police service works productively with partners at local, national and international levels to deliver better outcomes for people in Scotland. (Collaborative Working)
- Continuously improve public confidence in policing and inspire trust by being transparent, accountable and acting with integrity, fairness and respect. (Accountability)
- Ensure police services take advantage of new opportunities and meet emerging threats and challenges. (Adaptability)

The addition of a Priority focusing on “Inclusion” is intended to further emphasise the importance that Ministers and communities place on the need to provide a service which is accessible and responsive to the needs of all, including children and young people. The supplementary information attached to that Priority sets out the importance of respect for the

	fundamental rights of all.
Conclusions and Recommendations	<p>We are confident that the SPPs as now drafted create a context which will enable and encourage Police Scotland and the SPA to continue to build a service which protects and promotes the rights and wellbeing of children and young people.</p> <p>Moving forward, these will be translated into more specific objectives (through the Strategic Police Plan) and operational priorities (through the Annual Police Plan) for the policing of Scotland, including specific action designed to promote the rights and wellbeing of children and young people. We expect that further impact assessment will be carried out by Police Scotland and the SPA to support that work.</p>
Monitoring and review	
CRWIA Declaration	
Tick relevant section, and complete the form.	
CRWIA required	CRWIA not required
Yes	
Authorisation	
Policy lead Dan Couldridge Strategy and Policy Co-Ordinator Police Division	Date October 2016
Deputy Director or equivalent Don McGillivray Deputy Director Police Division	Date October 2016



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