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Dear Kit

### **UN Convention on the Rights of the Child – Reporting process 2006-07**

NCH Scotland welcomes the opportunity to respond to the Scottish Executive's consultation on its draft contribution to the UK Government's report focusing on children's rights in the UK, and on the implementation of the rights laid out in the UN Convention on the Rights of the Child (UNCRC) ("the Consultation"). For ease of reference we have used the same headings as the consultation document.

**In summary the key issues NCH Scotland wishes to raise are:**

- **The Scottish Executive should work with the UK Government to progress the incorporation of the UNCRC into Scots law**
- **Further action is needed by the Scottish Executive, and by other agencies, to ensure further progress is made in eradicating child poverty in Scotland**
- **The UK Government should remove the UK's reservation to the UNCRC on asylum and immigration, and work with the Scottish Executive to end the detention of asylum seeking and refugee children**
- **The Scottish Parliament should legislate as a matter of urgency to ensure that children enjoy the same protection in law from assault, and/or from the threat of assault, as adults**
- **The Scottish Executive should take an active lead in promoting a positive view of children and young people to combat the negative stereotyping that exists at present, and which fuels age discrimination**
- **The Scottish Executive should introduce secure, long term funding for family support services in order to strengthen family relationships, and to provide vulnerable children with the best possible starts in life**
- **Further action is necessary to support young disabled people in the key transition from childhood to adulthood**
- **To 'child proof' legislation, the Policy Memorandum accompanying each new Bill introduced in the Scottish Parliament should confirm its likely impact on children and young people**
- **To safeguard and promote children's right, the Children's Commissioner must continue to be independent of the Scottish Executive and the Scottish Parliament**

#### **I. General measures of implementation**

NCH Scotland believes that age discrimination adversely impacts upon many aspects of young people's lives, and that significant cultural change across our society is necessary if age discrimination against young people is to be addressed. Protecting children and young people from discrimination is one of the fundamental principles underpinning the UNCRC. Article 2 of the UNCRC, for example, outlines children's right to be protected from discrimination, while Article 12 states that children have the right to a say in decisions made by adults which affect them. The reality, however, is that many children in our society face age discrimination in their daily lives. Indeed, children's views are often simply ignored by adults making decisions that directly affect the children's own lives. To redress age discrimination against young people, NCH Scotland believes that the UK Government should progress the incorporation of the UNCRC into the laws of England and Wales, the laws of Northern Ireland and into Scots law. Incorporation, we believe, would strengthen children's rights by ensuring that the UNCRC is directly enforceable in these jurisdictions.

A key element of the process of cultural change which NCH Scotland believes is necessary to tackle age discrimination will be changing the attitude of policy makers towards young people within bodies such as the Scottish Parliament, the Scottish Executive, local government and other key agencies. One development which could assist this process would be for the Scottish Executive to further progress the implementation of its Child Strategy Statement across Government. In addition, the Scottish Executive and the Scottish Parliament should introduce a requirement that, in order to child proof legislation, the Policy Memorandum accompanying each new piece of legislation introduced in the Scottish Parliament should specifically confirm what the impact of the legislation is likely to be on children and young people. NCH Scotland is aware that the Policy Memorandum for each piece of legislation currently confirms the effects of the legislation on Equal Opportunities, Human Rights, on Island Communities, Local Government and on the Environment. We believe that this requirement should be extended to require the Scottish Executive to outline the impact of the legislation upon children and young people. NCH Scotland takes the view that this would help to ensure that legislation is 'child proofed', and takes into account children's rights and reflects the aims of UNCRC. Recognising these rights within the Policy Memorandum would help to raise awareness about children's rights across the Scottish Executive and in the Scottish Parliament, and increase recognition for these rights. Furthermore, it would help to promote a culture in which Scottish Ministers, officials, MSPs and other key policy makers fully take into account the needs and interests of children and young people when developing and progressing legislation and policy.

### **Scottish Commissioner for Children and Young People**

NCH Scotland welcomed the enactment of the Commissioner for Children and Young People (Scotland) Act 2003, which established the office of the Children's Commissioner. NCH Scotland supports the work of the Children's Commissioner, and believes this office has a vital role to play in promoting and safeguarding the rights of children and young people. We also believe that, to ensure the effectiveness of this office, it is essential that the Children's Commissioner continues to be independent of the Scottish Executive and the Scottish Parliament.

### **National legislative provisions specific to children or children's services**

## **National policy initiatives**

Addressing the needs, and protecting the future, of Scotland's children and young people is the driving force behind all of NCH Scotland's work. Factfile Scotland 2006-07, NCH Scotland's annual "report card" on Scotland's children, families and young people, showed that a significant gap continues to exist between young Scots from different backgrounds. There is a Scotland of opportunity based on educational attainment which is providing a bright future for many of our young people. Yet, there is also another Scotland where social difficulties have created a poverty of opportunity that is robbing individuals and communities of any sense of optimism. Factfile Scotland clearly shows that Scotland faces a formidable challenge in meeting the needs of the most vulnerable children in our society. NCH Scotland is, however, encouraged by the commitment shown by the Scottish Executive in driving forward improvements in services which are having a positive impact, and by the priority it has given to promoting the interests and welfare of children and young people in Scotland.

### **Training on children's rights and the UNCRC Measures taken or foreseen to make the principles and provisions of the UNCRC widely known to adults and children**

NCH Scotland welcomes the Scottish Executive's support for the training of professionals on children's rights and the UNCRC. We further welcome the Scottish Executive's publication of the Children's Charter and other work in raising awareness about children's rights and the UNCRC.

### **Systematic gathering of data**

NCH Scotland recommends that this section should include a reference to NCH Scotland's Factfile Scotland which is funded by the Scottish Executive. Factfile Scotland is a unique collection of key facts and information about children, families and young people in Scotland. It draws upon a wide range of sources, including official statistics and other information from the Scottish Executive and the UK Government, and from the local authority community. It also features material from the voluntary sector, the academic sector and from other key agencies working with children, families and young people in Scotland. A hard copy of Factfile Scotland 2006 – 2007 is attached. An electronic version can also be accessed at:

<http://www.nch.org.uk/uploads/documents/569.pdf>

## **II. Definition of the Child**

NCH Scotland notes the statement that: "A child is defined in several ways in Scottish legislation". This can often raise a number of complex issues, particularly in the light of the different ages used to define a child in the UNCRC, and in various pieces of legislation passed by the UK and Scottish parliaments. Against this background, NCH Scotland believes that the Scottish Executive should give consideration to implementing an overall review of the age categories used to define a 'child' under Scots law. We anticipate that part of this process would require close co-operation between the Scottish Executive and the UK Government to ensure that age category issues relating to Reserved matters such as asylum and immigration, disability discrimination and electoral reform in terms of voting and candidacy age issues, are addressed.

### **III. General Principles**

#### **Non-discrimination**

NCH Scotland welcomes the Scottish Executive's commitment to tackling discrimination within our society. Against this background, we believe that the Scottish Executive should take an active lead in promoting a positive view of children and young people to combat the negative stereotyping that exists at present, and which fuels age discrimination. A significant aspect of this negative stereotyping of young people by the media, by policy makers and by sections of the general public is evident in the continuing 'demonisation' of young people in the ongoing debate over antisocial behaviour and youth justice. NCH Scotland believes that these are some of the main factors fuelling age discrimination against young people. To redress such trends, NCH Scotland takes the view that cultural change will be necessary across our society, and across age groups, focusing on greater tolerance and understanding between different generations. We consider that intergenerational work to promote mutual understanding between adults and young people in communities where, for example, there has been antisocial behaviour and youth offending could assist this process. NCH Scotland also believes that community based intervention can help to build stronger and more positive relationships between the young and old, and to reduce the often negative images of young people held by adults which fuels age discrimination.

NCH Scotland has a deep-rooted commitment to tackling age discrimination against young people, and to promoting their participation and engagement in our society. Reflecting this, a significant aspect of NCH Scotland's work has been involving children and young people in the development of NCH Scotland as a leading children's organisation, and in decision making regarding our projects and services. Our progress in these areas is considered in more detail below.

The issue of age discrimination was highlighted by the young people, accessing NCH Scotland's services, who performed at the *Investing in our Future* event held in the Scottish Parliament to mark NCH Scotland's 50<sup>th</sup> Anniversary. This event was attended by MSPs of all parties, including Robert Brown MSP, the Deputy Minister for Education and Young People, and by young people and their families. It was also attended by representatives from the business community, from local authorities, and from voluntary organisations. The young people from NCH Scotland's projects who performed at the event worked with the 7:84 Theatre Company to develop their performance. They used video, drama and song to express their views, concerns and hopes for the future. Two of the main themes of the performance were the young people's experiences of having their views ignored by adults, and/or of not being taken seriously by adults, both of which significantly contribute to age discrimination.

#### **Service Provision**

We note the reference in Paragraph 93 to the Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Act 2005. At Stage 2 of the legislation in the Scottish Parliament Scott Barrie MSP lodged an amendment on behalf of NCH Scotland. The amendment sought clarification of the extent to which the inspection teams would focus on how children are consulted, and co-operated with, by service providers in the development and delivery of children's services to which the provisions of Section 15(1) of the Local Government in Scotland Act 2003 apply. The requirement to do so is consistent with their statutory duty under Section 15(1) of this legislation. NCH Scotland welcomed Robert Brown's (MSP and the Deputy Minister for Children and Young People) commitment that children's views of

their local services would be taken into account during a joint inspection, and that a wide range of measures would be introduced to ensure that children's views are included in the design and delivery of these services. We welcome the reflection of this commitment in the Consultation

### **Children's Hearings System**

NCH Scotland works with some of the most vulnerable and difficult to reach young people in our society, many of whom have been referred to the Children's Hearings System. We will be responding to the Scottish Executive's current consultation on the Children's Services (Scotland) Bill, which is likely to have a major impact upon the Children's Hearings System.

### **Looked after Children**

NCH Scotland projects work with a significant number of looked after children. We welcome the commitment which NCH Scotland has given to safeguarding and promoting the wellbeing of looked after children. NCH Scotland further welcomes the Scottish Executive's commitment to increase opportunities for looked after children in employment, education and training, and to ensure that greater numbers of looked after children fulfil their potential. Furthermore, NCH Scotland welcomes the Scottish Executive's generous support for the Reading Rich project which we are progressing with our partners at the Scottish Book Trust. This project seeks to encourage looked after children and their carers to develop an interest in reading and in literature.

### **Involvement in local decision making**

NCH Scotland welcomes the Scottish Executive's forthcoming publication of guidance for Community Planning partners on how to engage young people in the Community Planning process through which they must deliver public services. We believe this is particularly timely, given the recent research findings of *Your Place or Mine?*, a research study conducted by YouthLink Scotland in partnership with the University of Dundee. This study indicates that many Community Planning partners have not been fulfilling their statutory duty to consult and co-operate with young people in this process.

This report concludes that: "The content analysis of available community plans revealed that the opportunity for the involvement of young people is not fully realised given the aspirations held within the UN Convention on the Rights of the Child and the statutory direction given by the Local Government in Scotland (2003) Act". The study also suggests that CPPs require clear guidance to help them interpret their duties and responsibilities under the 2003 Act: "Feedback from key stakeholders involved in the community planning process suggests that more specific guidance and information is required by partnerships concerning the involvement of young people in Community Planning". Against this background, we believe that the publication of the new guidance could go some way towards ensuring Community Planning partners do involve young people in the Community Planning process. NCH Scotland takes the view, however, that this will require an unambiguous statement in the guidance that Community Planning Partners do have a statutory duty to consult and co-operate with young people in the Community Planning process. It will also require clear public support from Scottish Ministers. This will ensure that Community Planning Partners are fully aware of their statutory duty to consult and co-operate with young people in the community Planning process through which they must deliver public services. It should also be highlighted that many Community Planning Partners will only make resources available to support children and young people to

engage in this process if this duty is clearly signposted in the Advice Note, particularly in view of the significant funding constraints under which many operate.

In relation to promoting children's involvement in local decision making, you may wish to include a reference to NCH Scotland's work in this area. The development of NCH Scotland as a leading children's charity, and the design and delivery of our services, reflects NCH Scotland's commitment to promoting the engagement and empowerment of children and young people in our society. Indeed, a significant aspect of NCH Scotland's work across Scotland is to ensure that children and young people have a say in key areas affecting their lives, including the design and delivery of children's services. As previously mentioned, NCH Scotland has conducted best value reviews across our Housing Support and Disability projects. Young people have been widely involved in the work of these groups through focus groups and questionnaires. This has provided key opportunities for young people to comment on the impact of our services, and on areas for development across this very significant sector in Scotland.

NCH Scotland has also actively sought to involve children in our governance, with substantial benefits to NCH Scotland as an organisation, and to the children, families and young people with whom we work. Reflecting this, the NCH Scotland Committee has a sub-committee specifically tasked with the participation of young people in the governance of the charity. This ensures that committee members hear directly from service users about issues. Involving children and young people in the design and delivery of NCH Scotland's services helps to ensure that our services are best suited to meet the needs of some of the most vulnerable and difficult to reach children, families and young people within our society, and to help them to make the most of their lives. NCH Scotland is committed to ensuring that more service users have a say in the development of NCH Scotland as a leading children's charity, and in the design and delivery of our services.

#### **IV. Civil rights and Freedoms**

##### **Corporal punishment, inhuman or degrading treatment**

NCH Scotland is concerned that children face age discrimination in terms of the level of protection they receive in law from assault. In this respect, we are aware that adults enjoy greater legal protection from the threat of assault than children. Significantly, the assault of adults and/or the threat of assault against adults, are strictly prohibited under Scots law, and are dealt with accordingly by the Courts. By contrast, the law permits adults to physically chastise children where the chastisement is deemed to be 'reasonable', and 'moderate' force is used. NCH Scotland believes that the Scottish Parliament should legislate as a matter of urgency to end this form of age discrimination, and to ensure that children enjoy the same protection in law from assault, and/or from the threat of assault, as adults.

##### **Protection of children from inappropriate material**

NCH Scotland has extensive experience of campaigning to raise awareness about child protection issues, including promoting safe internet use by children and young people, where we lead on this issue across the UK. We welcome the Scottish Executive's work in promoting internet safety, and in ensuring parents have sufficient information and advice to keep their children safe while using the internet or mobile phones.

## **V. Family Environment and Alternative Care**

### **Young carers**

NCH Scotland staff provide a wide range of support to young people involved in the North Lanarkshire Young Carers' Project. We welcome the Scottish Executive's commitment to improving outcomes for young carers. NCH Scotland believes that there are a number of areas in which action should be taken to secure such improvements. These include further action to ensure that young carers receive an acceptable level of guaranteed respite care, and to improve support for young carers in education and in accessing other key services such as health and transport.

### **Child protection**

NCH Scotland welcomes and supports the Scottish Executive's commitment to introducing effective safeguards to protect children and young people, including the proposed, additional safeguards to protect children and protected adults outlined in the Protection of Vulnerable Groups (Scotland) Bill ("the Bill"). We believe that the Bill's proposals could help to strengthen the framework of external controls on unsuitable individuals who seek opportunities to abuse children and protected adults. Our concern, however, is whether or not sufficient time remains during this parliament to undertake the detailed scrutiny which this highly complex legislation requires and merits. After all, the legislation is expected to repeal the Protection of Children (Scotland) Act 2003 ("POCSA") the key provisions of which have been in force for less than two years, and to introduce new vetting and barring procedures.

Against this background, we welcome the Scottish Executive's commitment that support, guidance and training will be necessary to ensure the voluntary sector is able to implement its duties and responsibilities under the new legislation. NCH Scotland believes such support will be invaluable, given that many of the key provisions of POCSA only recently came into force, and that the voluntary sector has already invested a lot of staff time and resources in bringing staff up to speed with the vetting and barring provisions in the Police Act 1997 and in POCSA.

The voluntary sector will now have to ensure that staff are familiar with the new system of vetting and barring which is to be put in place following the repeal of POCSA. Training staff in the new procedures will require further investment by voluntary organisations in terms of staff time and resources, which will fall on top of the resources already expended by voluntary organisations in ensuring they are compliant with (the soon to be repealed) POCSA. Against this background, NCH Scotland takes the view it is vital that the Scottish Executive does make sufficient levels of support, guidance and training available to the voluntary sector.

An important aspect of this process will be ensuring that small, unaffiliated community based organisations are engaged in the new vetting and barring framework. Significantly, it has already been a major challenge for the current system introduced by the Police Act 1997 and by POCSA to try and connect with such organisations, and to ensure they have the necessary support and capacity to meet their duties and responsibilities under POCSA. We consider that similar considerations will now apply for the new vetting and barring scheme being proposed under the Bill. This must be addressed as a matter of urgency if we are to avoid the creation of a two tier situation which could benefit those considered unsuitable to work with children and protected adults. In this context, the danger exists that, unless the small, unaffiliated community based organisations connect with the new vetting

and barring scheme, paedophiles will gravitate towards such organisations to gain access to children.

NCH Scotland takes the view that the Bill must also be accompanied by a package of measures if it is to provide children and protected adults with effective additional protection from harm. We believe that a number of specific measures should be introduced to strengthen the safeguards for children outlined in the Bill. These include the need to improve the management and monitoring of sex offenders and paedophiles within the community upon release. Sentencing guidelines should also be introduced to ensure that Courts adopt a more consistent approach to the sentencing of paedophiles, and that sentences reflect the gravity of the sexual offences committed against children and the devastating long term impact this can have on children's lives. Further consideration should also be given to improving support for the victims of child sex abuse, especially where the victims have been the subject of abuse which was historic and occurred many years previously.

### **Support for parents**

NCH Scotland's family support services work with vulnerable children, families and young people across Scotland through our early years, family projects and intensive support projects. Our family support work seeks to strengthen family relationships and to give children the best start in life. It addresses many issues including family breakdown, anti-social behaviour, alcohol and drugs problems, depression, domestic violence, offending and child protection. NCH Scotland projects such as, for example, the Alness and Dingwall Families Project, the Inverness Family Project and SureStart Inverness and the Ruchill Family Support Project focus on early years, and on supporting parenting and child development. These projects seek to strengthen family relationships, and to counter the effects of disadvantage by empowering children and families.

The Primary Support Project in Renfrew provides support for families and parents, and also works preventatively with younger children to ensure their inclusion in the community. This project is innovative and successful in relation to outcomes for younger children, particularly in terms of reducing levels of school exclusions and in reducing referrals to the Children's Hearings System. The project has been nominated for a *Community Care Care Award*. Other projects include the Dundee Families Project which has pioneered a new approach to working with anti-social families at risk of eviction, and has received a Care Accolade Award in recognition of the excellence of its partnership working. NCH Scotland is the Managing Agent for three pilot projects based on the Dundee model which are being rolled out by the Scottish Executive. The Dundee model is also being replicated across the UK.

NCH Scotland believes, however, that the persistent and continuing uncertainty caused by short-term funding has created a situation where many of the family support services provided by NCH Scotland and by other voluntary sector providers are overstretched, and face increasing problems in providing the support which is urgently needed. The work of many of these services is hampered by short term funding which leaves them continuously facing closure or cutbacks. This short term approach significantly restricts the type and level of services they can offer, and the number of children and families they can support. This has resulted in some projects being forced to cut back or freeze services because of a lack of funding. By way of illustration, most of NCH Scotland's family support services have standstill budgets which effectively acts as a reduction in provision.

The constraints on services imposed by short term funding streams, exacerbated by the recruitment problems in local authority social work departments, are increasing the pressure on family support services provided by the voluntary sector in responding to needs that are not being met elsewhere. They are having to provide more intensive support over longer periods, but short term funding means voluntary sector providers are using up their own reserves to subsidise these services. The net effect is that family support services have become stretched, and the support which organisations are able to provide increasingly limited. We believe that, in order to strengthen the voluntary sector's capacity to tackle poverty more effectively, it is essential that Government increases its support of secure, long term funding for family support services in order to strengthen family relationships, and to provide vulnerable children with the best start in life.

## **VI. Basic Health and Welfare**

### **Health and Health services**

NCH Scotland welcomes the Scottish Executive's commitment to improving the health and well being of children and young people, and to ensuring that the design and delivery of health services meet their needs.

We also welcome the Scottish Executive's generous support for NCH Scotland's Self Harm Research Initiative, which focuses on the causes of self harm, and also on the design and delivery of services which would best support young people who are self harming. To inform our work in these areas, interviews have taken place with nearly 100 young people who are accessing NCH Scotland's services and NCH Scotland staff. The key work streams are the future publication of a report based on the research findings, the development of best practice guidance to support staff working with young people who are self harming and also of specific information for young people who are self harming.

### **Drug misuse**

We welcome the Scottish Executive's commitment to supporting drug education as an integral part of health education in schools. NCH Scotland also welcomes the Scottish Executive's publication of the national quality standards, which we believe can help to improve the design and delivery of services to support those who misuse alcohol or drugs.

NCH Scotland works with a number of young people and families at projects such as Hype in Edinburgh to help them cope with the impact of substance abuse upon their lives. NCH Scotland believes it is vital that the Scottish Executive should now give consideration to progressing specific quality standards in relation to substance misuse services for young people. We believe it is important to recognise that one size does not fit all in terms of services for people who misuse alcohol or drugs, and that particular needs and circumstances often affect young people. We consider that having specific standards for substance misuse services focusing on young people would help to promote the development of child friendly services, and also encourage a consistent approach by service deliverers to key issues such as confidentiality for young people under 16.

### **Children with disabilities**

NCH Scotland welcomes the UK Government's amendment of the Disability Discrimination legislation in 2005 to include a duty on the public sector to promote

equality of opportunity for disabled people. We further welcome the Scottish Executive's commitment to improve outcomes, and to maximise life opportunities, for disabled people within our society.

One area which we believe requires further action is the key transition from childhood to adulthood. This is a difficult transition for all children, and it presents particular problems and challenges for disabled children and young people. NCH Scotland is aware, for example, that, while a great deal of service provision focuses on the needs of children aged 5 to 18, the support in many areas for young disabled people during the transition from childhood to adulthood is minimal. Indeed, apart from the provision of some short term respite care at 18, it is fair to say that young disabled people receive little, if any, support between the ages of 18 and 25. This significantly reduces the number of life opportunities available for young disabled people, and perpetuates many of the barriers which blight their adult lives later.

By way of illustration, it is worth considering the experience of young disabled people who are encouraged to go straight from school, where they have considerable support and a social network, to colleges where they often have little support and feel isolated. NCH Scotland considers that this transition needs to be better managed by key agencies, if we are to ensure that the experience of all young disabled people at college is to be both positive and rewarding. In this respect, we believe that resources must be made available to give young disabled people the necessary support to assist them make the transition from the relatively well supported environment of school to college. Increasing resources to, for example, recruit more experienced social workers, and to improve training for both staff and social workers, particularly in relation to communication skills and the use of related technology, could make a significant contribution to help improve young disabled people's access to education.

Against this background, NCH Scotland considers it vital that the Scottish Executive, local authorities, the voluntary sector and other key agencies should do more to support young disabled people through their transition from childhood to adulthood. Providing support for young disabled people will assist the latter to cope with this transition. Furthermore, it will increase the level of opportunities available to young disabled people in areas such as education, employment and training, and in their social lives. Reducing barriers in these areas will, in turn, help to promote the integration of young disabled people into society.

### **Standard of living: closing the opportunity gap**

A major aspect of poverty is where people living on low incomes experience a poverty of opportunity in areas such as education, employment and training, which often deprives them of the means to break the cycle of poverty. Children brought up in areas of social deprivation or in care have, for example, the lowest levels of educational attainment, and the effects of social disadvantage blights their later lives. NCH Scotland's services respond to many of the issues highlighted in the Factfile statistics. We work with excluded young people who face the greatest difficulties in finding work, and in overcoming poverty.

Against this background, NCH Scotland welcomes the recent launch of *More Choices, More Chances*, the Scottish Executive's strategy to reduce the number of NEET young people in Scotland. NCH Scotland and our partners run various projects which provide training and other support to NEET young people to help them to find, and to sustain, employment. One of these projects is the Glasgow Great Eastern Youthbuild, a project which NCH Scotland and our partners believe can

make a significant contribution to improving outcomes for NEET young people. This project seeks to secure sustainable employment in the construction industry for 32 young people from the most disadvantaged communities in Glasgow's East End. The Glasgow Great Eastern Youthbuild will deliver tailored support and training to maximise the young people's chances of securing sustainable employment in the construction industry. The project brings together the expertise and resources, as well as a range of key partners to capitalise on planned development opportunities, most notably the refurbishment of the B-listed building, the Great Eastern Hotel. Our partners include Scottish Enterprise, Communities Scotland, Glasgow City Council and local housing associations. The project will initially operate for 18 months, but it is envisaged that this model will be replicated strategically across Glasgow and elsewhere in Scotland.

Another example of our work with NEET young people is NCH Scotland's Prevocational Construction Training (PICT) project, which has provided successful outcomes for disengaged young people in the Inverclyde area by supporting them in their efforts to secure employment and training opportunities in the construction industry. The PICT project, developed in partnership with Fair Play Ltd and part funded through Communities Scotland's Wider Role Programme, scored 77% in an independent evaluation assessment of the project.

### **Tackling child poverty**

Factfile Scotland 2006 – 07 clearly shows that Scotland faces a formidable challenge in meeting the needs of, and in breaking the cycle of poverty for, the most vulnerable children, families and young people in our society. In this respect, although the number of children living in low income households in Scotland has fallen by 100,000, many children, families and young people continue to live in poverty. Indeed, it is estimated that there are currently still an estimated 240,000 children living in poverty in Scotland. Furthermore, many of those living in poverty are amongst the most vulnerable members of our society, such as young disabled people. It should be noted, for example, that more than 80% of parents with a disabled child are unemployed, and that disabled children are twice as likely to live in poverty as non-disabled children.

NCH Scotland is, however, encouraged by the commitment being shown by the Scottish Executive in driving forward improvements in services which are having a positive impact. We believe that further action is also needed by the Scottish Executive, and by other agencies in a number of key areas to ensure further progress is made in eradicating poverty in Scotland. In addition, NCH Scotland considers it important to recognise that the UK Government has a vital role to play in this process, particularly in relation to Reserved matters such as taxation, benefits and welfare reform and tackling disability discrimination. The areas where NCH Scotland considers more action is essential includes ensuring that welfare reform increases support for those most in need. Other key areas include the need to increase help, and to improve outcomes, for vulnerable groups including NEET young people, young disabled people and young people leaving care.

### **Youth homelessness**

NCH Scotland is also aware that young people who have had to leave home following the breakdown of the relationship with their family face age discrimination when trying to secure funds to attend university or college courses. This issue has been highlighted by some of the young people NCH Scotland works with through our housing support projects. The work of these projects includes providing support to

young people under 18 who have become homeless after leaving their family homes. The young people's reasons for leaving include physical or sexual abuse, conflict with parents and/or step parents, issues around their parents' or their own addiction with drugs or alcohol, or issues relating to their own offending. NCH Scotland supports these young people to secure accommodation, to sustain their tenancies and to address the other significant issues in their lives. NCH Scotland is aware that some of the young people accessing these services who wish to go on to further education have suffered from age discrimination when trying to secure funding. In this respect, funding bodies have been reluctant to provide them with funding because of their age, assuming that they must still be living at home and that their parents should be contributing to their support. Given that many of the young people we work with do not have any contact, or lack a positive relationship, with their parents, this has exacerbated the problems they face in their attempts to enter further education, and to get on with their lives.

Some of the young people we work with also face age discrimination because of the fact that housing benefit is only payable to young people aged 16 – 18 if they can prove "severe hardship". These young people have often been forced to leave the family home, and are having to face up to independent living without the safety network of family and friends. Furthermore, they have to address major personal problems in their lives, including coming to terms with the strains of membership of reconstituted families, physical or sexual abuse or addictions to name but a few. Against this background, trying to secure housing benefit by proving "severe hardship" can be a daunting process for many of these young people, particularly when it involves liaising with different agencies such as housing departments and the Benefits Agency. The difficulties faced by the young people in proving "severe hardship" to secure housing benefit often significantly limits their ability to address their problems. In this respect, we take the view that the Scottish Executive should work closely with the UK Government to address these issues, and to ensure that the benefits system is flexible enough to improve outcomes for young homeless people seeking to access employment, training or further education and seeking to stay in supported accommodation until they are completely ready for independent living.

## **VII. Education, Leisure and cultural Activities**

### **Educational attainment of looked after children**

A number of NCH Scotland projects work with looked after children including NCH Foster Care, and our projects in Moray, the Western Isles and in Edinburgh. Encouraging and supporting the educational attainment of looked after children is a key element of the care plans we put in place for the looked after children accessing our services. We welcome the priority being given by the Scottish Executive to improving educational outcomes for looked after children. NCH Scotland believes that urgent action in this area will help looked after children to gain more qualifications, and to access further education, employment or training in greater numbers.

### **Bullying**

An estimated half of all school pupils in Scotland have been bullied at school, while 23% of all calls to Childline Scotland are about bullying. In view of these factors, NCH Scotland believes it is vital that the Scottish Executive should give urgent consideration to further ways in which it can support action to tackle bullying in schools.

## **Youth work strategy**

NCH Scotland works with some of the most vulnerable and difficult to reach children and young people in our society, and their participation in our programmes is not always voluntary. In this respect, while some young people use our services on a voluntary basis, others are referred to NCH Scotland's services by, for example, the courts or the children's hearings system, or social work departments, to support and address their needs. Against this background, NCH Scotland takes the view that the Scottish Executive should introduce a broader youth strategy, which will empower, provide opportunities for, and meet the needs of, all young people in Scotland, and not just those who choose voluntarily to get involved in youth work activities.

## **VIII. Special Protection Measures**

### **Asylum and refugee children**

NCH Scotland believes that the Scottish Executive and the Scottish Parliament should work with the UK Government to remove the UK's reservation to the UNCRC on asylum and immigration, and to incorporate the UNCRC into the laws of England and Wales, into the laws of Northern Ireland and into Scots law. In addition, the Scottish Executive should work closely with the UK Government to end the detention of asylum seeking and refugee children.

### **Children in conflict with the law**

NCH Scotland believes it vital that young people's offending and antisocial behaviour should be kept firmly in perspective. Sections of the media and policy makers in particular must do more to acknowledge that the overwhelming majority of young people do not offend, or behave anti-socially. After all, only a tiny minority of our young people are responsible for youth offending and antisocial behaviour, with less than 1% of all young people in Scotland considered to be persistent offenders. Indeed, young people are statistically more likely to be the victims of such offending behaviour than the perpetrators. It is also worth highlighting that 24% of the young people who responded to the Scottish Children's and Young People's Commissioner's recent policy consultation voted for 'Safer Streets' as a key policy objective. This confirms that it is not just adults who are concerned about antisocial behaviour and offending within local communities, but that children and young people have similar concerns.

Where young people are responsible for offending and antisocial behaviour within their communities, NCH Scotland considers that offering them more opportunities to do things within their local communities, including improved access to affordable leisure facilities and activities, could make a positive contribution to reducing such behaviour. Significantly, 'Having more to do' was one of the priority areas identified by young people in the Scottish Commissioner for Children and Young People's recent consultation aimed at identifying young people's key issues to inform her office's future work (26.5% of the 16,000 young people voted for this issue). It is hoped that the Scottish Executive's consultation on the proposed National Youth Work Strategy, and its implementation, will go some way towards increasing such opportunities for young people within our communities.

NCH Scotland is making significant progress in our work with some of the most vulnerable and difficult to reach young people in our society, including young

offenders and those at risk of offending. We take a holistic approach to meeting the needs of these young people, and to supporting them to make the most of their lives. This is reflected in the design and delivery of NCH Scotland's services. Reflecting this, we run effective services for 16 and 17 year olds involved in offending, or at risk of offending. A key focus of our work is on early intervention, and on supporting these young people to address their behaviour, and to turn their lives around. NCH Scotland projects such as the Edinburgh Court and Hearing Interface Project and the Intensive Supervised Structured Care (ISSC) project in Ayr divert young people at this age from the adult Court, and offer an effective alternative resource for the Children's Hearing System. The provision of similar services across the country, however, is uneven, and NCH Scotland believes they should be developed so that all young people in this age group can have equal access to these services.

Another significant aspect of our work is the provision of intensive support to young offenders, and to those at risk of offending or of re-offending. NCH Scotland's GAP Inverclyde project, for example, offers intensive support to young people who have been offending, or are at risk of re-offending. This includes helping the young people to address, for example, any health issues they may have, including drugs and alcohol misuse, helping them to access further education and/or training opportunities and to secure employment

### **Children in Court**

The legal system in Scotland generally deals with 16 and 17 year olds who are subject to a Supervision Requirement as 'children'. NCH Scotland is aware, however, of instances where the young people are either remanded in custody, or are sentenced to detention. NCH believes that this could be regarded as an infringement of their rights. Furthermore, we take the view that it is, in any case, damaging for young people of this age to be incarcerated, and takes the view that alternative provision should be provided.

Please do not hesitate to contact either myself or Robert McGeachy, NCH Scotland's Head of Policy, on 0141-550-9010 if you require more information, or would like to discuss any of the issues we have raised further.

Yours sincerely

Andrew S. Girvan  
Director of Children's Services