

Update report			
<b>Name of subgroup / associate group / consortium</b>	<b>Scottish Government Child Protection Unit</b>	<b>DATE</b>	February 2024
		<b>Author</b>	Lindsay MacDougall
		<b>Date of previous report</b>	November 2023
<b>Activity and progress from last report and work planned for next period</b>	<p><b>UNCRC (Incorporation) (Scotland) Act 2024</b></p> <p>The UNCRC (Incorporation) (Scotland) Bill was reconsidered by the Scottish Parliament on 7 December and the Bill was approved unanimously. The Bill received Royal Assent on 16 January and is now <a href="#">the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024</a>.</p> <p>The key provisions, including the compatibility duty, will commence on 16 July 2024. This will be over 3 years after the original Bill was passed in March 2021, during which time our implementation programme has continued at pace and we now have a wide range of support in place.</p> <ol style="list-style-type: none"> <li>1. <a href="#">Non statutory guidance</a> on taking a children’s human rights approach, published in January.</li> <li>2. The <a href="#">children’s rights guide</a> for senior leaders in public services in Scotland provides an introduction to the UNCRC and shares what the UNCRC Bill will mean for public services.</li> <li>3. The <a href="#">Getting Ready for UNCRC framework</a> will support organisations to consider where they are in terms of their readiness for incorporation, help them to identify gaps or areas for improvements, and inform discussions on next steps.</li> <li>4. To support children to understand their rights, we created a short <a href="#">animation</a> with Carers Trust Scotland, Parent Network Scotland, Renfrewshire Youth and Partners in Advocacy. This is a helpful introduction to UNCRC and shows the types of interactions young people might have with public authorities about their rights. It could be used to help staff understand how children’s rights applies in their role.</li> <li>5. The Child rights and wellbeing impact assessment <a href="#">guidance and templates</a> will support public authorities to undertake a CRWIA as part of their decision making. Public authorities do not have a duty to carry out CRWIAs under the UNCRC Bill; however, Scottish Government supports their use to improve decision making and practice.</li> </ol>		

6. Participation [guidance](#) will support those who have to or want to engage with children and young people as part of their decision making.
7. The Children's rights [knowledge hub](#) is an online community of people working to ensure that children's rights are realised in Scotland, with a particular focus on how public bodies are implementing the UNCRC. Please note you need to sign up to access the hub.

We hope to be able to launch a consultation on the draft statutory guidance on Part 2 (including the section 6 compatibility duty) and Part 3, section 18 (reporting duty on listed authorities) as soon as possible.

For further information, contact [UNCRCIncorporation@gov.scot](mailto:UNCRCIncorporation@gov.scot)

### **Unaccompanied Asylum Seeking (UAS) Children**

#### *National Transfer Scheme*

On 23 November 2021 the UK Government announced it will mandate the National Transfer Scheme (NTS) for an unspecified period, meaning all UK local authorities will legally have to accept an allocation of UAS children under the scheme. The scheme operates on a rota basis and currently Scotland is required to take 65 young people per 650 UASC needing placements through the NTS.

As of 11 January, 460 unaccompanied children have been transferred to Scotland since mandating the scheme. Though councils are responding as quickly as possible, the increasing pressure on resources and already stretched services is making it more difficult for them to comply with the NTS protocol. Some local authorities are also reporting a significant increase of spontaneous arrivals.

The UK Government established a four nations UASC Taskforce in December 2022 to address urgent NTS challenges. The Taskforce is meeting on a monthly basis; COSLA, the Scottish Government and Care Inspectorate are members.

A Scottish Government/COSLA co-chaired governance group has been running fortnightly since February 2023 to consider the Taskforce's proposals and wider capacity issues arising from the continued high number of UASC arrivals. This group, which includes Chief Social Work Officers and senior representation from Social Work Scotland, the Care Inspectorate and SSSC, will link with other relevant SG and COSLA governance groups and the UK Government Taskforce.

The Scottish Government/COSLA UAS children governance group has now concluded a data-gathering exercise across all local authorities in Scotland to improve our shared understanding of the current support in place for UASC. In total, 30 Local Authorities participated. The data is currently with analysts for review and the first version of that analysis is due in late February.

#### *Nationality and Borders Act*

The Nationality and Borders Act 2022 will introduce a number of measures to change processes for how age assessments are conducted for immigration purposes. This includes provisions to introduce scientific assessment methods, reforms to the age assessment criteria, an appeals process and the creation of a National Age Assessment Board (NAAB). The NAAB is a new decision-making function in the Home Office which will conduct age assessments in addition to, and in place of, local authorities. The Board began a phased rollout in two regions in England in March 2023, and is branching out regionally and nationally, including beginning the recruitment of NAAB workers in Scotland as of October 2023.

In December 2023, the UK Government established a UK-wide NAAB User Group to create opportunities for consultation and engagement about the operational and policy development of both the NAAB and the provisions in the Nationality and Borders Act which relate to age assessment. Scottish Government, COSLA and a few Scottish local authorities attend the monthly meetings.

The UK Government's [Immigration \(Age Assessments\) Regulations 2023](#) were approved by Parliament in January 2024. These Regulations authorise designated persons to use MRIs and x-rays in scientific age assessments make provision specifying four scientific methods that may be used in support of the existing Merton-compliant process for the purposes of age assessments on age-disputed persons.

The Scottish Government position remains that the use of scientific techniques as part of the age assessment process is extremely concerning and Scottish Government [guidance](#) does not recommend the use of scientific or medical examinations as determinants of age. The provisions on the use of scientific methods as part of the age assessment process have not yet come into force and discussions are ongoing between the Scottish Government and the Home Office.

For further information please contact Sian Morland  
[sian.morland@gov.scot](mailto:sian.morland@gov.scot)

#### *Illegal Migration Act*

The UK Government introduced the Illegal Migration Bill on 7 March and it received Royal Assent on 20 July 2023. The stated purpose of the legislation is that anyone who enters the UK illegally, would not be able to remain in the UK, be detained and removed to their home country or safe third country.

The Act introduces a number of measures which will change how unaccompanied children are looked after, their right to asylum, and age assessments. This includes providing the Home Office with the power to accommodate unaccompanied children, either pending transfer to a local authority or whilst awaiting removal from UK once they've turned 18. On age assessments, the Bill sets out that failure to consent to the use of scientific methods for the purposes of an age assessment would mean that the person should be treated as an adult.

Provisions in the Act relating to unaccompanied children have not yet come into force and there remains uncertainty around implementation timelines while the UK Government proceeds with plans to halt legal challenges against sending asylum seekers to Rwanda. The Scottish Government will continue to engage the UK Government on the Act to consider the implications of the bill for unaccompanied children being supported by Scottish local authorities.

#### **National Child Protection Leadership Group**

The National Child Protection Leadership Group last met on 8 March 2023. Following an extensive review of the Group and reflecting on feedback provided by the Group membership in consultation with the Minister for Children, Young People and Keeping the Promise, regular meetings of this Group will now cease. Going forward the Group will convene when there are specific issues that require advice and/or strategic oversight which are not within the remit of other existing groups. This approach will be reviewed after one year.

Information about the role and remit of the Group, membership, and minutes of previous meetings can be found here: [National Child Protection Leadership Group - gov.scot \(www.gov.scot\)](https://www.gov.scot/national-child-protection-leadership-group)

If you would like to discuss further, please contact Jenny Stenton, [Jennifer.Stenton@gov.scot](mailto:Jennifer.Stenton@gov.scot).

#### **Online Safety**

##### UK Government Online Safety Act

The Online Safety Bill gained Royal Assent and became the Online Safety Act on 26 October.

The Scottish Government continues to engage with the UK Government, Ofcom and law enforcement and third sector partners to consider the implications of the [Online Safety Act](#) (“the Act”) for child protection in Scotland and to ensure it is as robust as possible in protecting children and holding industry to account. The main purpose of the Act is to empower Ofcom to better regulate certain internet services and in doing so making the internet a safer place for online users, including children across the whole of the UK, including Scotland.

The Act created a new offence in Scotland criminalising the sharing of material intended to encourage and assist the serious self-harm of others. This offence came into force on 31 January 2024.

The Act extends to Scotland for almost all of its content. There are some exceptions however where the power to legislate on the subject matter is devolved to the Scottish Parliament. For example, the creation of new offences under the Act such as a threatening communications offence and a flashing offence (aimed at stopping epilepsy trolling), do not extend to Scotland as there is other relevant law that applies in Scotland to these areas.

On 9 November 2023, Ofcom launched their [Illegal Harms consultation](#), marking the start of implementation of the Online Safety regulatory regime. The closing date for the consultation is **23 February 2024**.

On 5 December 2023, Ofcom launched their [Guidance for service providers publishing pornographic content Consultation](#). The closing date for the consultation is **5 March 2024**.

The Scottish Government is responding to both of these consultations. For further information please contact Jenny Stenton [Jennifer.Stenton@gov.scot](mailto:Jennifer.Stenton@gov.scot)

#### **Child Sexual Abuse and Exploitation**

##### New Child Sexual Abuse and Exploitation Strategic Group

Officials and partners have identified that there is a need for national leadership around child sexual abuse and exploitation, including online abuse. Officials have carried out a range of activities reviewing the evidence base and engaging stakeholders and have identified options to establish a strategic group to focus on this issue. Officials are currently considering the roles, responsibilities and governance of the group. The aim is for the group to be operational in early 2024.

For further information please contact Jenny Stenton [Jennifer.Stenton@gov.scot](mailto:Jennifer.Stenton@gov.scot)

### **Implementation of the National Child Protection Guidance**

#### *National inter-agency referral discussion training*

A multi-agency course has been developed by a working group and the first pilot was held on 21-23 November 2023 in Fife with six participants from each of police, health and social work. Evaluations from the course were very positive. A second pilot will be held on 20-22 February in Glasgow.

#### *Child Protection Planning Meetings resource*

Iriss published an online training course on Child Protection Planning Meetings in December 2023. This course was one of the workstreams of the National Child Protection Guidance Implementation Group.

Please see this [news release](#) for a summary of the course and to access the course through the online learning platform. The course is a national resource that will help practitioners understand their role in CPPMs, and how that sits alongside the National Guidance and legislation, while focussing on improving the experience for the most important people involved — the child or young person. The course modules are designed to be completed in several sessions and the completed course can be used as an ongoing professional reference.

Please share the link with your colleagues as you feel appropriate.

#### *Update to the National Guidance for Child Protection in Scotland*

The national child protection guidance was revised in 2021 with a further update in 2023. Taking into account the impact on practitioners of the number of changes in the child protection and wider children and families landscape of late, we will not set a timetable for further update at this point, but instead consider when an update is required as a result of significant changes in guidance, policy, legislation or practice in discussion with partners, with a maximum duration of 5 years from publication of the August 2023 update.

For further information, please contact Robert Scott  
[robert.scott3@gov.scot](mailto:robert.scott3@gov.scot).

**The Children (Care and Justice) (Scotland) Bill** was introduced in Parliament on 13 December 2022. Stage 2 was completed on 7 February. The Bill aligns with the wider approach being taken around incorporation of the UNCRC and includes measures to help Scotland keep the Promise. Key areas include:

- Raising the maximum age of referrals to the Principal Reporter to 18.
- Information to victims
- Protection for people who have been harmed and preventative measures in the hearings system
- Remittal between hearings and the courts
- Enhanced framework for court adaptations for children
- Extending presumption of anonymity of children re court proceedings
- Ending statutory routes to placement of under 18s in Young Offenders Institutions (YOI)
- Routes to secure care and accommodation up to age 19
- Cross border placements in residential accommodation.

Information relating to the Bill is available on the [Scottish Parliament website](#).

For further information, please contact Brendan Rooney or Liz Murdoch

[Brendan.Rooney@gov.scot](mailto:Brendan.Rooney@gov.scot)

[Liz.Murdoch@gov.scot](mailto:Liz.Murdoch@gov.scot)

**Reimagining secure care** - The Children and Young People's Centre for Justice (CYCJ) were commissioned by the Scottish Government in December 2022 to explore potential options around future transformation of secure care in Scotland.

The CYCJ project team chose to take a service design approach which acknowledges the recommendations of historical reviews and the ongoing development work to date in relation to secure care and its position within the continuum of care. This is being combined with the opinions, knowledge, and experience of all those involved to create a comprehensive portrait of effective, sustainable provision for children deprived of their liberty.

The aim of the project is to work collaboratively with children and young people in, and with experience of secure care, their families/carers to gather their views, and with all relevant stakeholders who contribute to supporting children before, during and after secure care or alternatives to secure care, through a four-phased process: Discovery, define, develop and deliver.

CYCJ published an Interim Report in November 2023 outlining full reflections following Phase 3 and the proposed next steps. Link herewith [RSC-Interim-Report-FINAL .pdf \(cycj.org.uk\)](#)

	<p>The project is now in phase 3 and will publish a final report for Ministers in late spring.</p> <p>For further information, please contact Liz Murdoch  <a href="mailto:Liz.Murdoch@gov.scot">Liz.Murdoch@gov.scot</a></p> <p><b>Youth Justice Vision</b> – published in June 2021, represents a shared foundation between the Scottish Government and key partners and children and families to work together to prevent children and young people being in conflict with the law and to ensure that the rights of those children are protected and upheld. The vision is that children are supported at an early stage, rights are upheld, and that systems and supports are in place to address their needs and circumstances which have led to the behaviour, in order to achieve positive outcomes.</p> <p>This work includes support for victims and diverting children away from the Criminal Justice System.</p> <p>The vision and accompanying action plan run until June 2024. The vision and action plan will be reviewed between now and June 2024, when an updated version will be published, taking in to account actions and priorities which still remain and any new and emerging areas of priority.</p> <p>For further information, or any views on future priorities, please contact Liz Murdoch  <a href="mailto:Liz.Murdoch@gov.scot">Liz.Murdoch@gov.scot</a></p>
<p><b>Decisions/Actions required from CPCScotland (if any)</b></p>	
<p><b>Contact details</b></p>	<p>child_protection@gov.scot</p>