



PE1369/C

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

85 Holyrood Road,
Edinburgh, EH8 8AU

Tel: 0131 558 3733

Young Persons Freephone: 0800 019 1179

Fax: 0131 556 3378

Email: enquiries@sccyp.org.uk

www.sccyp.org.uk

Fergus D. Cochrane
Clerk to the Committee
Public Petitions Committee
Scottish Parliament
Edinburgh
EH99 1SP

27th January 2011

Dear Fergus,

PE1369: Having regard to young people when considering changes to leisure and cultural facilities

Thank you for your letter inviting me to comment on this petition.

I would like to start by commending South Ayrshire Youth Forum on bringing this petition to the Scottish Parliament as it raises a serious concern regarding the ability of local authorities to uphold children and young people's rights. The UNCRC (United Nations Convention on the Rights of the Child) sets out the minimum rights that all children and young people throughout the world have. One particular provision of the Convention and that which I consider most pertinent to this petition is Article 31, which requires that 'States parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts'. The Petitioner has raised the thorny issue of the potential for local authority budget cuts to be carried out in such a way as to have a negative impact on children and young people and their ability to exercise their rights, and in this instance their right to leisure and play.

I would now like to comment on the specific question raised by the Petitioner in their letter dated 17th December:

"Would the Public Petitions Committee invite a response from the Children's Commissioner to enquire if he is aware of any research that has been carried out in the use of the impact assessments developed by SCCYP and whether changes have resulted from the impact assessment?"

I am not aware of any research having been commissioned or undertaken to monitor and evaluate the use of children's rights impact assessments as developed by SCCYP. Any findings regarding changes being made (for example: to a proposed policy, delivery of a service or reallocation of a budget) as a result of a children's right impact assessment are very much anecdotal and based on our own experience. Since publication of the SCCYP Children's Rights Impact Assessment model in 2006, it has been used within my office to scrutinise various policy proposals.

One instance of a change being made following a children's rights impact assessment is with regard to the Protection of Vulnerable Groups (Scotland) Bill in 2006. Part 3 of the Bill made provision for the sharing of child protection information. These provisions of the Bill were not formally consulted upon and to my knowledge no children and young people were consulted upon the proposals. In preparing written evidence to be submitted to the Education Committee on the Bill, my office undertook an impact assessment and supported a group of children and young people aged 14-21 to carry out their own impact assessment of the information sharing provisions of the Bill. The overall conclusion from the two impact assessments was that the information sharing proposals would have unintended consequences which would be detrimental to young people and given the lack of consultation on the provisions it was suggested that the Committee may wish to consider asking the Executive to withdraw part 3 of the Bill. This duly happened.

Although my office does not have a remit to take forward complaints on behalf of individual children we do have an enquiries service which advises and signposts. We frequently receive enquiries from parents who are concerned that the actions and decisions being taken by their local authority breach their child's rights. In the past some of these enquiries have related to school transport arrangements, a proposed closure or significant change to a school, and various planning applications. Where these enquiries involve a decision or action being proposed that appears to have significant repercussions we have undertaken a children's rights impact initial screening as a means of establishing what impact it will have on the rights of the child. Completed assessments are sent to both the parents and local authority, with an accompanying letter highlighting our conclusions and recommendations to both parties. As a result of this method of response we are aware of some instances where the local authority had abandoned its initial proposal, or put a proposal on hold until it has carried out a fuller consultation with those concerned.

It should be noted that one of the stages of undertaking a children's rights impact assessment as recommended by my office is to consult, and in particular consult with and involve children and young people, ensuring that their responses are taken into account in the formulation and modification of a proposal. The importance of consultation and involvement of children and young people in local decision making is reiterated throughout the petition. The direct involvement of children and young people can be a most beneficial way of assisting a local authority to find alternative cost-cutting ways to deliver services.

I hope this response will provide the Petitioner with the necessary clarification on the point raised in their letter to the Committee. I would like to emphasise to the Committee and the Petitioners my full endorsement of the petition and the issues it raises and would be most willing to provide any additional information in support of the petition. Please do not hesitate to contact my office if I can be of further assistance.

With best wishes,

Tam Baillie
Scotland's Commissioner for Children and Young People