

Incorporating the United Nations Convention on the Rights of the Child into Domestic Law in Scotland Working Group: Terms of Reference

Remit

1. It is proposed that a working group is convened to inform the development of a model that incorporates the United Nations Convention on the Rights of the Child (UNCRC) into domestic law in Scotland. The membership of the group is set out in the Annex to this note.

2. The primary function of the working group will be to discuss options with regard to the models for the incorporation of the UNCRC into Scots law, using the consultation document as a key framework for its work. The output from these discussions, as defined at paragraph 7 below, will inform policy decisions for a draft Bill to incorporate the UNCRC into domestic law within the current session of Parliament. The working group will also consider the findings of the consultation and how the legislation might support wider cultural change and understanding of children's rights.

3. The working group will bring together cross-sector representation and will include representatives of third sector partners, public bodies, family groups and civic Scotland. It will also include academics and legal practitioners acting in a personal capacity. It will be tasked with considering the policy, practice, and legislative implications of incorporation.

4. Each meeting will focus on a specific theme as per the consultation, and respond to views expressed in the consultation:

- Theme 1 (part 1): Legal mechanisms for incorporating the UNCRC into domestic law;
- Theme 1 (part 2): Legal mechanisms for incorporating the UNCRC into domestic law;
- Theme 2: Embedding children's rights in public services;
- Theme 3: Enabling compatibility and redress; and
- Consider the analysis of the consultation responses and its implications for the policy specification.

Timeline

5. In order to inform policy decisions for a draft Bill using the themes above, the working group will be convened on the following dates:

Date	Time	Location
Consultation launches 22 May		
25 June 2019	14:00 – 16:00	VQ - Edinburgh
10 July 2019	09:30 – 12:30	VQ - Edinburgh
31 July 2019	10:00 – 12:00	SAH - Edinburgh

27 August 2019	14:00 – 16:30	VQ - Edinburgh
Consultation closes on 28 August		
9 September 2019	10:00 – 12:00	COSLA - Edinburgh
25 September 2019	10:00 – 12:00	COSLA - Edinburgh
Consultation responses published - September		
21 October 2019	13:00 – 16:00	COSLA - Edinburgh
24 February 2020	14:00 – 16:00	VQ - Edinburgh

Indicative Agendas

6. To structure the meetings and drive an output focus, the working group will be invited to consider these indicative items on the following dates:

Date	Agenda
25 June 2019	Introduction to the Working Group and initial discussion of consultation themes
10 July 2019	Legal mechanisms for incorporating the UNCRC into domestic law
31 July 2019	Embedding children's rights in public services
27 August 2019	Enabling compatibility and redress
9 September 2019	The way forward with Themes 2 and 3 of the consultation
25 September 2019	Consider analysis of consultation responses
21 October 2019	Observations post consultation; draft Working Group Report.
24 February 2020	Consideration of final Working Group report.

Output

7. The output will be a report of the Group's discussions (as outlined in summary minutes) organised in terms of themes/questions set out in the consultation document. This report will be shared with Ministers, alongside the outcomes of the formal consultation and separate engagement with other relevant stakeholders, including children and young people.

Governance

8. The working group will be co-chaired by Michael Chalmers, Director, Children and Families and Mairi Macpherson, Deputy Director Creating Positive Futures. The secretariat will be provided by the Scottish Government. The secretariat will:

- circulate an agenda and other relevant papers one week in advance of each meeting; and
- minutes and actions will be taken for each meeting and circulated approximately one week after each meeting.

9. The Terms of Reference, membership of the group and minutes of meetings will be published on the Scottish Government's website.

Annex : Incorporating the United Nations Convention on the Rights of the Child into Domestic Law in Scotland Working Group

Member	Organisation	Perspective
Michael Chalmers	Scottish Government	Director, Children & Families, Chair
Mairi Macpherson	Scottish Government	Deputy Director, Creating Positive Futures, Chair
Dr Katie Boyle	Associate Professor in International Human Rights Law, University of Stirling	Individual, academic
Lynda Brabender QC	Westwater Advocates	Individual, legal
Michael Clancy OBE	Director, Law Reform, The Law Society of Scotland	Representative, legal
Nicola Dickie	Chief Officer, Children and Young People, COSLA	Representative, local government
David Duncan	Chief Superintendent, Head of Safer Communities, Police Scotland	Representative, policing
Juliet Harris	Director, Together (Scottish Alliance for Children's Rights)	Representative, 3rd sector
Dr Kenneth Meechan	Chair of FOI, Data Protection & Human Rights, Society of Local Authority Lawyers and Administrators in Scotland (SOLAR)	Representative, legal / local government
Dragan Nastic	Senior Policy and Advocacy Advisor, UNICEF	Representative, UNICEF
Prof Aoife Nolan	Professor of International Human Rights Law, University of Nottingham	Individual, academic
Laura Pasternak	Policy and Public Affairs Manager, Scottish Youth Parliament	Representative, children and young people
Lucinda Rivers	Head of UNICEF UK in Scotland	Representative, UNICEF
Douglas Ross QC	Ampersand Advocates	Individual, legal
Hannah Ross	Policy Assistant, COSLA	Representative, local government
Norma Shippin	Director, Central Legal Office and Legal Adviser, NHS	Representative, health

Clare Simpson	Manager, Parenting Across Scotland	Representative, third sector, children and families
Suki Wan	Scottish Youth Parliament	Representative, young person