

Incorporating the United Nations Convention on the Rights of the Child into Domestic Law in Scotland: Working Group, 4th Meeting

Minutes of Meeting Held at Victoria Quay, Edinburgh, at 2 pm on Tuesday, 27 August 2019

Present: Michael Chalmers, Director, Children and Families, Scottish Government (SG) (Chair)
Chief Inspector Lex Baillie, Police Scotland
Dr. Katie Boyle, University of Stirling
Nicola Dickie, COSLA
Hannah Ross, COSLA
Dr Simon Hoffman, Swansea University
Mairi Macpherson, Creating Positive Futures, SG
Dr. Kenneth Meechan, SOLAR
Dragan Nastic, UNICEF
Prof. Aoife Nolan, University of Nottingham (by teleconference)
Laura Pasternak, Scottish Youth Parliament
Suki Wan, Scottish Youth Parliament
Clare Simpson, Parenting Across Scotland

In Attendance: Liz Blair, SG Legal Directorate
Alexandra Devoy, SG, Children's Rights
Helen Fogarty, SG, Children's Rights
Nicola Guild, SG Legal Directorate
Ceri Hunter, SG, Children's Rights
Duncan Isles, Human Rights
Gita Sharkey, SG, Children's Rights
Agnes Rennick, SG Children's Rights (Secretariat)

Apologies: Lynda Brabender QC, Westwater Advocates
Michael Clancy OBE, The Law Society of Scotland
Chief Superintendent David Duncan, Police Scotland (represented by Chief Inspector Lex Baillie)
Juliet Harris, Together Scotland (represented by Simon Hoffman)
Lucinda Rivers, UNICEF
Douglas Ross QC, Ampersand Advocates
Norma Shippin, NHS

Welcome

1. The Chair thanked Members for attending the meeting.

Minutes of Previous Meeting and Action Points

2. Members agreed the minutes of the previous meeting. The Chair then provided an update on the following actions:

Action 1: *The SG agreed to amend the summary of the workshop discussions from the 10 July meeting to reflect suggested amendments and to circulate a draft concise note for comments and further discussion.*

Update: The Chair confirmed that this paper was being finalised and would be circulated to Members shortly. The Chair further confirmed that the Secretariat would be happy to receive any comments on this note by email.

Action 2: *Members of the Working Group are encouraged to circulate their ideas for possible ways forward in addressing the issues related to the legal mechanisms for incorporation; and*

Action 3: *SG to work with members of the Group to seek ways to address the issues raised.*

Update: The Chair thanked the author of a discussion paper submitted to the Secretariat on the legal mechanisms for incorporation with reference to the devolved settlement. The paper would be circulated to Members and a meeting convened ahead of the 9th September to discuss this paper. Members were asked to alert the secretariat to their interest in taking part in this discussion.

The Chair invited members to submit views and papers to the secretariat on the possible ways forward in addressing issues that Members have raised at previous meetings.

The Chair sought Members' agreement for the publication of discussion papers alongside other papers of the Working Group. This was agreed by the membership.

Action – The SG agreed to clarify the Terms of Reference for discussions with Members outwith the plenary meetings of the Working Group through correspondence.

Summary of workshop discussions at the 3rd meeting of the Group

3. The Chair invited comments on the summary of the workshop discussions that took place at the 31 July meeting. The group raised the Welsh Children's Rights Scheme and the progress which had been made to embed this in Wales.

4. A number of amendments to the summary were suggested. The SG agreed to reflect these in a revised summary. This note would be used as a basis for further

discussion with Members through both correspondence or through meetings to identify possible ways forward to some of the issues raised.

Action: the SG agreed to amend the summary of the workshop discussions from the 31 July meeting to reflect suggested amendments.

Workshop – Enabling Compatibility and Redress

5. Members participated in workshop discussions around the following themes:

- Challenging public bodies and seeking financial compensation.
- Order of precedence where secondary legislation is in conflict with UNCRC rights.
- Acts of the Scottish Parliament - statements of compatibility, challenging Acts of the Scottish Parliament and interpretation of Acts.
- Standing to take proceedings

6. A summary of these discussions will be provided in a separate note, to be circulated ahead of the next meeting.

Action: the SG agreed to circulate a summary of the workshop discussions from this meeting with the papers for the next meeting.

AOB

7. Members requested a change of location for the next meeting.

Action: the SG agreed to find a new location and will circulate an update to Members once confirmed.

Next Meeting - Monday 9 September, COSLA, 10:00 – 12:00

8. Diary permitting, the Minister for Children and Young People, Maree Todd MSP, will attend this meeting.