



SCOTTISH POLICE
AUTHORITY
ÙGH DARRAS POILIS NA H-ALBA

Children's Rights and Corporate Parenting Reporting 2020-23



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Children and Young People (Scotland) Act 2014

The Children and Young People (Scotland) Act 2014 requires the Scottish Police Authority ('the Authority') to report every three years on the following:

Children's Rights - what steps have been taken to uphold children's rights within the Authority's work.

Corporate Parenting – how the Authority has exercised its corporate parenting responsibilities in support of care experienced children and young people.

This report sets out how the Authority has ensured that the rights of children are upheld, and how the Authority has supported those who are care experienced over the period of 2020–23.

What We Do

The Authority has a range of responsibilities:

- to maintain policing
- promote the policing principles;
- support continuous improvement;
- keep policing under review;
- and to hold the Chief Constable to account for the policing of Scotland.

These obligations to oversee policing are combined with other activities and responsibilities to oversee how Scotland's children and young people have their rights upheld.



Corporate Parenting

The Authority's [Corporate Parenting Plan 2021-24](#) describes how it will make sure that policing in Scotland supports children and young people who have experienced care, and how the Authority will deliver positive change through engagement with the care experienced community.

The plan was discussed at the Authority's Policing Performance Committee in December 2021 and you can watch a recording on our [Livestream channel](#).

The Board and Senior Leadership Team oversee the Plan and its implementation to ensure it is fit for purpose. As a Corporate Parent, the Authority is committed to meeting its obligations and maximising its efficacy in its capacity as a Corporate Parent. The Authority recognises the importance of its role and how it can positively influence the outcomes for the care experienced community.

The Plan implements a **"LOOK, LEARN, LISTEN, REVIEW"** approach, providing opportunity for the Authority to continually improve, while actively engaging with the care experienced community to build relationships:

LOOK – Keep under review Police Scotland's approach to ensure that they support the Care Experienced community, and that Corporate Parenting responsibilities are delivered in relation to our other statutory functions.

Corporate Parenting continued

LISTEN – Ensure that those who are care experienced have their voice heard in matters relating to policing and have access to opportunities to facilitate this.

LEARN – Make sure that all of our staff understand our responsibilities as a Corporate Parent.

REVIEW – Make sure we continue to do our best for children, young people and the care experienced community.

Since the launch of the Corporate Parenting Plan last year the Authority has been pleased to welcome 'Who Cares? Scotland' to deliver two training sessions on the role of a Corporate Parent. The first of these training sessions was delivered to all Authority Corporate staff and explored what it means to be a Corporate Parent and how all staff can represent the interests of the care experienced community when discharging their duties.

A second, in-person training session was delivered to all of the Authority's Board Members. This training was tailored for non-executives and focused on how Boards can effectively represent the interests of those who are care experienced in their oversight, particularly with regards to how policing may disproportionately impact this community.

In addition, the Authority has joined the Who Cares? Scotland Collaborative Parenting Network. This Network provides an opportunity for different Corporate Parents to connect and share best practice. As part of its membership within this Network, the Authority has established a strong working relationship with the Care Inspectorate to work to improve relationships between policing and those in residential care.

A key commitment in the Authority's Corporate Parenting Plan is to oversee and support Police Scotland to ensure that they meet the requirements of a Corporate Parent. In order to ensure this, Authority officers regularly engage with Police Scotland's Corporate Parenting Team and also request regular performance updates.

In addition to an update [presented to the Authority](#) on 7 December 2022, the final update on the plan is to be presented to the Authority on [6 December 2023](#). *[Progress towards these milestones can be accessed in Appendix A in the 6 December 2023 paper].*

One outstanding action is to develop Modern Apprenticeship opportunities for care experienced people. As noted in the action plan, the Authority is demonstrating its commitment to promoting life opportunities for care experienced people and is currently developing a sector-leading approach to ensure equal opportunities for those who are care experienced to Modern Apprenticeship roles.

Impact Assessment Framework

Impact Assessments are used by organisations to evaluate how a proposed policy or initiative will impact different stakeholders and areas of business. These are used by the Authority to determine how individuals and wider communities will be effected to aid decision making.

As there are a variety of Impact Assessments the Authority can use, an Impact Assessment Framework has been developed to ensure a comprehensive and consistent approach is taken.

Within this Framework is the Child Rights Impact Assessment (CRIA). Whilst this is not a legislative requirement, the Scottish Government recommends undertaking a CRIA for all new policies and legislation that may impact children and young people as best practice. This is in line with recommendations of the United Nations Convention on the Rights of the Child (UNCRC), which has not yet been formally incorporated in Scotland.

The Authority continues to work to improve the Impact Assessment framework and to formally embed the CRIA when introducing new policies.



Governance and Oversight

The Authority's governance and oversight mechanisms provide public assurance that the rights of children and young people are being upheld by Police Scotland. In particular, the statutory requirement of the Authority to provide independent oversight of police custody ensures that those held in custody by Police Scotland have their rights upheld.

The Authority has also stood up Independent Advisory Groups (IAGs) and Oversight Groups on areas of public interest, such as COP26 and the use of police powers during the Coronavirus Pandemic, in addition to hosting a variety of roundtable events. These activities have enabled the Authority to engage with a variety of stakeholders and wider communities in Scotland to ensure oversight the needs and rights of communities are considered in the Authority's decision making.

Independent Custody Visiting Scotland

Assuring the welfare of children who come into custody remains a priority of Independent Custody Visiting Scotland (ICVS). When visiting custody centres, Independent Custody Visitors (ICVs), who volunteer with ICVS, prioritise visiting children and young people.

In addition, ICVS regularly publicly report on the number of children and young people held in police custody to the Policing Performance Committee. As well as quarterly reports brought to Policing Performance Committee, ICVS publish in-depth [annual reports](#) which detail statistics in relation to the number and ages of children in Police Scotland custody.



Governance and Oversight continued

Policing Performance Committee

The Authority regularly requests reports on police contact with children and young people. These reports are published online and discussed in public committees.

Public reporting ensures both accountability and transparency in police actions and supports public understanding of how interactions between the police and children occur. This includes information on the following topics:

Stop and Search

Police Scotland [regularly reports](#) stop and search data. The most recent data covered the period of April – June 2023, with Police Scotland reporting the stop and search of 1,154 children and young people during this period.

Taser

In [a paper](#) brought to June 2023 Policing Performance Committee, Police Scotland reported 41 uses of Taser on those under 18 in the 2022/23 financial year. The term 'use' refers to draw, pointed, red-dot and actual discharge.

Custody

As previously mentioned, as part of ICVS reporting, there are regular updates on the number of children and young people who come into Police Scotland custody. From the period of [1st April 2022 to the 31st of March 2023](#), 4,261 children were held in custody.

Arrests

Police Scotland [regularly reports](#) on the number of children arrested and brought into police custody. This is broken down into older and younger children, and whether they are held overnight or for over 24 hours.

Use of Force

Police Scotland produce [quarterly reports](#) on the number of use of force forms submitted by officers. In the most recent reporting for the year to date for quarter 3 of 2022/23, 606 use of force forms were submitted for instances where the individual was under 18.

Governance and Oversight continued



Body Worn Video Engagement

Before the use of Body Worn Video (BWV) was rolled out to the Armed Policing Unit in Police Scotland, extensive engagement was undertaken. This included engagement with care experienced children and young people to understand their opinions and views. The results from this engagement was [publicly reported](#) to the Authority.

This research found mixed levels of understanding as to what BWV is and

how it will be used. In addition, this engagement highlighted the importance of ensuring the protection of children and young people's privacy in relation to the use of BWV.

The engagement concluded that participants felt an increased awareness of BWV amongst children and young people was necessary. Following on from the engagement exercise, Police Scotland also committed to undertaking a CRIA and to ensure the Code of Practice is in a child-friendly format.

Independent Advisory Group: Coronavirus Powers

As well as being dedicated to upholding and progressing the rights of children in its everyday activities, the Authority was also involved in the oversight of children's rights in relation to policing powers during the Coronavirus Pandemic.

In April 2020, the Authority and Police Scotland jointly established the [Independent Advisory Group \(IAG\) for Coronavirus Powers](#). The IAG provided a human rights focused scrutiny when assessing the approach of Police Scotland. Within the Terms of Reference for the group, there was an emphasis on ensuring that any powers involving children and young people were reflective of Police Scotland's duties.

Governance and Oversight continued

The group submitted [regular reports](#) on policing powers and commissioned an independent review of the group which was [reported](#) to the Authority's Board in June 2021. This review found that the IAG "added confidence" that decisions taken during the pandemic were consistent with human rights.

COP26 Oversight Group

In February 2020, the Authority stood up a dedicated COP26 Oversight Group to provide enhanced oversight of Police Scotland's approach to policing the conference which was held in Glasgow in November 2021.

The Group received updates on the work of the IAG, Chaired by John Scott QC, which advised Police Scotland on its approach. It also offered insights from the Children and Young People's Commissioner for Scotland, environmental campaigners, human rights advisors and a broad range of civic society representatives to ensure the views of stakeholders were heard and informed the approach taken by Police Scotland. In September 2021, the Authority convened a [virtual roundtable](#) which

aimed to promote awareness of how Police Scotland would police protests during COP26. Stakeholders informed discussions, with the public invited to pose questions of policing and partners. It was recognised by the Authority that engaging with the public and stakeholders was critical to the success of the event.

Throughout planning, there was ongoing engagement with Social Work about arrangements for children and young people who come to the attention of the police during COP26 for low-level offending.

Several options were explored including the use of social work-led Care & Welfare centres as an alternative to police custody. Ultimately, it was agreed by partners that Police Scotland would utilise the recently adapted London Road Police Station for any children and young people who would need to be held in police custody. This was supported by social work resources who were deployed to provide any support required.

Through direct engagement with representative organisations, social work, and the Children and Young People's Commissioner, the Authority – at all times – sought to ensure the safety and security of children throughout

Governance and Oversight continued

COP26, making it clear that any arrests would only be made in exceptional circumstances. After the completion of COP26, it was reported that few arrests were made, none of which were of children.



Partnerships

Collaboration with partners across the span of the Authority's work allows the Authority to combine resources and knowledge to improve outcomes for Scotland's communities. The two examples of key partnerships in relation to children and young people demonstrate how the combination of the Authority's capabilities and those of partners can enact positive change.

Places of Safety for Children in Conflict with the Law

The Authority has [publicly stated](#) that police custody is not a suitable place of safety for children. As such, it is acknowledged that more could be done to limit the number of children that experience this environment.

In November 2022, the Authority and Police Scotland jointly hosted the [Places of Safety for Children in Conflict with the Law event](#) to discuss the topic of children in police custody.

The event brought a variety of stakeholders together to discuss how agencies can collaborate to keep people safe while minimising the number of children that experience police custody when they come into conflict with the law.

The event was attended by Chief Social Workers (or a nominated representative) from across Scotland, Scottish Government and public

Partnerships continued

sector partners. In addition, there were also attendees from representative organisations, including the Children and Young People's Centre for Justice (CYCJ), The Children and Young People's Commissioner Scotland and Who Cares? Scotland.

The conference was centred on group discussions based on two scenarios created for the purpose of the event. During these discussions participants considered the care and welfare of children, whilst also improving their understanding of challenges faced by other partners. Most importantly, discussion focused on the likely impact of a child experiencing police custody. This provided the opportunity to identify solutions and opportunities to drive positive change.

The event resulted in the following areas identified as being next steps to reducing the number of children and young people held in custody. These include (i) enhancing partnership working; (ii) developing a multi-agency care setting for children accused of crime; (iii) driving improvements that meet local needs; (iv) protecting care experienced children from criminalisation and (v) provision of seven-day courts.

Many of the themes that emerged from the event are not for the Authority or Police Scotland to consider in isolation. Many of these areas would require enhanced partnership work and collaboration. Discussions are ongoing to consider how the next steps for improving outcomes for Scotland's children and young people can be progressed. A full copy of the event report can be found [here](#).

Joint Assurance Review of the acquisition of biometric data from children arrested in Scotland

In partnership with the Authority and CYCJ, the Scottish Biometrics Commissioner undertook a joint assurance review on the acquisition of biometric data from children arrested in Scotland. The review was laid before the Scottish Parliament on the 29th of March 2023 and a copy is available on the Scottish Biometrics Commissioner's [website](#).

The review commended Police Scotland's approach to safeguarding children

Partnerships continued

when capturing their biometric data. However, the Commissioner noted that more should be done to ensure that any young person who has their biometric data captured as a result of being arrested in Scotland should be better informed about the purposes for which their data will be used.

The review also advocated for distinct policies, procedures and practices about the capture of biometric data from children. This would result in biometric data being taken only when authorised by a senior officer, balancing both the interests of the child and the gravity of the offence.



The Authority recognises the value,



Research and Evidence

benefits and impact of research and evidence. The Authority is committed to developing the evidence-base to inform policing policy and practice in Scotland, co-ordinating a strategic approach by bringing together a range of key stakeholders. An example of this is Community Confidence Action Research project, discussed later in this section.

In addition, as part of its evidence base, the Authority regularly produces public briefings on policing matters that are of particular public interest. A number of these have focused on children and young people.

Children in custody – March 2023

A public briefing on children [in police custody](#) was published on the Authority's website in March of 2023.

This briefing discusses why children may be held in custody, but also establishes that this is at times due to a lack of safe alternatives. In this briefing, the Chair of the Authority Martyn Evans states his stance that:

“Holding our children in police custody cells is not an appropriate setting and not in the interest of the child. What is lacking is suitable and available alternatives”

Research and Evidence continued

This briefing also details the Places of Safety for Children in Conflict with the Law event, discussed on pages 10 and 11 of this report.

Police contact with children – May 2023

A public briefing on [children and young people's contact with the police](#) was published on the Authority's website in May of 2023. This was developed in collaboration with Police Scotland colleagues.

The briefing gives a summary of the views children and young people have of policing. It also details positive, proactive interactions that Police Scotland have with children and young people, for example through development of educational campaigns and through the Police Scotland Youth Volunteering Programme.

However, the briefing recognises that not all interactions Police Scotland will have with children and young people will be positive. This includes instances where children may need to be stopped and searched, arrested and held in police custody.

Community Confidence Action Research

In April 2021, the Community Confidence Action Research Project was initiated at the request of the Authority Chair Martyn Evans.

The project is currently underway and is being jointly delivered by the Authority and Police Scotland. It seeks to gain an understanding of levels of confidence in policing in areas that experience deprivation. This follows from [national research](#) that indicated confidence in areas that experienced deprivation was low.

The project also seeks to co-design initiatives with communities and local policing to improve confidence in these areas and evaluate the impact of these initiatives.



Research and Evidence continued

Four areas were identified via a combination of factors: the Scottish Index of Multiple Deprivation (SIMD); Police Scotland management information; and local partners being willing to support the work. These areas are:

- Letham (Perth and Kinross)
- Levenmouth (Fife)
- Irvine Fullarton (North Ayrshire)
- Wick (Highland)

Where possible the project team have worked with local schools to develop and implement surveys/questionnaires to gain insights on views of confidence in policing for children under the age of 16. The findings of these engagements are published on the Authority's [website](#).

For those aged 16 and over, a survey was distributed where possible via local organisations, secondary schools, social media and posters and leaflets with QR codes were displayed in the area. These reports are also available on the Authority's website.

The project is due to complete in April 2024 and a full report will be publicly available soon thereafter.

Seldom Heard Communities

In partnership with the Scottish Institute for Policing Research (SIPR), the Authority and Police Scotland have provided funding to support five different projects looking to improve engagement with seldom heard communities. Two of these projects focused on children and young people:

'To be seen and heard: developing photovoice as a method for the police to engage with young people in underserved communities': This project aims to utilise creative methods to engage young people in an area of significant economic disadvantage to understand the places and people that matter to them.

'Hearing seldom heard groups: Policing with empathy in conversation with LGBT and young people from disadvantaged backgrounds': This research will explore the experiences of young people from disadvantaged backgrounds, and also to examine the extent to which empathy and understanding of different seldom heard voices is apparent in Police Scotland.

These reports were published in April 2023 and can be accessed on [the SIPR website](#).

What Next?

As part of the [Corporate Strategy 2023-26](#) and corresponding Implementation Plan, the Authority makes a commitment to:

“Promote and support work which improves outcomes for children and young people”

This is under **Strategic Outcome 1: Communities are informed and confident that policing is accountable**. Progress against the Implementation Plan will be reported in the Authority’s Annual Report and Accounts and the Audit, Risk and Assurance Committee.

The Authority will continue to publicly and transparently report its work to uphold the rights of children and young people where possible.

Keeping up to date

To keep up to date with our work, please keep an eye on the Authority’s website where you can find papers and watch livestream committee discussions, and follow us on Twitter:

@ScotPolAuth