



18/10/2023

RAP/Cha/GBP/42(2023)

EUROPEAN SOCIAL CHARTER

Response by the Government of the United Kingdom to comments submitted by the Scottish Human Rights Commission concerning the 42nd National Report of the United Kingdom (Article 16, in particular) on the implementation of the European Social Charter

Comments registered by the Secretariat
on 18 October 2023

CYCLE 2023

European Social Charter – 42nd National Report

UK Government response

Scottish Human Rights Commission (SHRC) Recommendations to the European Committee On Social Rights

General Comment

Recommendation 1: How the Scottish Government will improve the collection and publication of disaggregated data on intersectionality to enable appropriate monitoring and scrutiny of policies.

In April 2021, the Scottish Government launched an [Equality Data Improvement Programme](#) (EDIP) to take action to make intersectional equality evidence more wide-ranging and robust, enabling policy makers to develop sound, inclusive policy. This reflects the Scottish Government's commitment to ensuring that a robust equality evidence base supports collective efforts across Scotland's public sector to fulfil the requirements of the [Public Sector Equality Duty](#).

A number of improvement actions have been taken forward within the EDIP since its launch. Many of these actions have helped to lay the foundations for the [Equality Evidence Strategy 2023-2025](#), which was published in March 2023. The strategy sets out an approach to improving and strengthening Scotland's intersectional equality evidence base over a three year period to the end of 2025, including 45 actions identified by the Scottish Government and National Records of Scotland (NRS) across a number of key themes.

These actions cover improvements to the data on a range of equality variables, including data on all nine of the protected characteristics and intersections¹. The Scottish Government will report on progress made towards achieving these actions in an interim progress report in 2024 and again following the conclusion of the strategy. In the interim progress report the Scottish Government will also include a summary of activity taken to strengthen the equality evidence base in addition to the strategy actions, including social research commissions and capacity building activity. This improved intersectional evidence base will enable better monitoring and scrutiny of inclusive policies in Scotland.

Recommendation 2: How the Scottish Government will ensure the full protection of ESC rights for all people without discrimination through its planned incorporation legislation and supporting policy and practice.

The Scottish Government will bring forward a new Human Rights Bill for Scotland during the 2023/24 parliamentary year, following close of a public consultation on 05 October 2023.

The Bill will incorporate four international human rights treaties – including particular treaties protecting the rights of women, disabled people and those who experience racism – within devolved competence. It is intended that these rights will be built into the decision-making of public authorities in Scotland, helping to embed equality and non-discrimination in public service provision.

¹ These are defined in the [Equality Act 2010](#) and comprise: Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion or belief, Sex, Sexual orientation

The Scottish Government is also proposing that the Human Rights Bill includes an equality provision to ensure that economic, social, cultural and environmental rights being incorporated can be accessed by everyone equally.

Recommendation 3: To what extent the UNCRC incorporation and proposed human rights framework will give effect to ESC rights of children and young people in Scotland.

The Human Rights Bill will incorporate the International Covenant on Economic, Social and Cultural Rights which apply equally to all, including children and young people.

The Scottish Governments continued commitment to reconsidering the UNCRC (Incorporation) (Scotland) Bill demonstrates our commitment to the UNCRC, which has been ratified by the UK Government, and it's incorporation into domestic law. Awareness raising of the need to protect, promote and respect children's rights surrounding the Bill, and the reporting duties on listed authorities to demonstrate how they are furthering and giving effect to children's rights, all serve to enhance the rights of children. In addition, once in force, public authorities will have duties to act compatibility with the UNCRC requirements in carrying out their functions within scope of the Bill.

Recommendation 4: How the Scottish Government will ensure that lessons learned exercises such as the COVID-19 Inquiry consider the economic, social and cultural rights of children, families and migrants.

Scottish Ministers are committed to a vision of Scotland where children's rights are embedded in all aspects of society, and where policy, law and decision making take account of children's rights. That applies to Ministers' responsibilities in relation to inquiries and other exercises to learn lessons as well as more widely. In the context of the Scottish Covid Inquiry, Scottish Ministers have determined the terms of reference and sought public and stakeholder views before doing so. The Inquiry is taking a human rights-based approach and is examining, among other things, issues of key importance in relation to children's rights such as education. The Scottish Government is also contributing to the UK-wide COVID-19 Inquiry, which is considering the impact of the pandemic response on children, among other matters.

A key element in considering the impact of a measure on children and young people is the Child Rights and Wellbeing Impact Assessment (CRWIA). CRWIAs allow officials to provide Ministers, stakeholders and the public with evidence that proper consideration has been given to the impact that a policy/measure will have on children and young people. The Scottish Government has published its approach to CRWIAs, along with accompanying resources, to make them available to all those undertaking work of significance to children's rights.

In addition, the Scottish Government has committed to incorporating the UN Convention of the Rights of the Child into Scots Law. The UNCRC Bill is now being reconsidered by the Scottish Parliament and, once passed into law, will make it a statutory requirement for the Scottish Government to publish a CRWIA in relation to legislative and strategic decisions.

Article 7.

The right of children and young persons to protection

Recommendation 5: How the Scottish Government will improve data collection, analysis and publication of young people's employment across local authorities, including data on sanctions for non-compliance.

The Scottish Government collect a range of information on Young People in Scotland and their Employment and Participation levels. In line with the Code of Practice for Statistics, analysts will continue to look to improve data on young people to meet user's needs.

Recommendation 6: What measures are being implemented in Scotland to ensure that business enterprises comply with their responsibilities to respect and remedy human rights breaches caused or contributed to by their activities.

Overall Policy Context

The Scottish Government's vision for Scotland is to build a Wellbeing Economy – an economy which meets the needs and aspirations of people and provides opportunities for all.

A fair, green and growing economy, which benefits all of Scotland's communities and people, and where businesses thrive, is critical to the three Missions of equality, opportunity and community set out by the First Minister on 18 April 2023 in [Equality, opportunity, community: New leadership - A fresh start](#). The First Minister also reaffirmed the Scottish Government's commitment to embedding equality and human rights across all government activity.

Building a Wellbeing Economy is the overarching vision of Scotland's [National Strategy for Economic Transformation](#), which sets out an ambition to tackle structural economic inequalities. As committed to in the strategy, the Scottish Government has established a Centre of Expertise in Equality and Human Rights to work with external partners to embed equality and human rights in Scottish Government economic policy making.

On 29 June 2023, the Scottish Government published the [report](#) of the New Deal for Business Group, which was set up to reset the relationship between government and business, building trust and driving meaningful, tangible change - focusing on co-designing policies that affect the business community to achieve good, mutually beneficial outcomes. The report includes recommendations on businesses' role in Scotland's transition to a Wellbeing Economy, for example recognising the importance of fair work and pay, secure employment, supporting participation and inclusion, and working in partnership with communities.

A new Human Rights Bill for Scotland

The Scottish Government is currently consulting on a new Human Rights Bill for Scotland, which will incorporate economic, social, cultural and environmental rights as well as particular rights for women, disabled people and those who experience racism. It will place duties on those delivering devolved public services in Scotland to realise those rights.

The Scottish Government are proposing that this will include, bodies carrying out functions of a public nature, including private bodies acting under a contract or other arrangements with a public body in Scotland (mirroring the approach taken in the UNCRC (Incorporation) (Scotland) Bill).

The Scottish Government's intention is that this will ensure applicable businesses build economic, social, cultural and environmental rights into their decision making, planning and policy making - improving the way public services are delivered for everyone.

The Scottish Government also sought views on developing a more specific human rights remit for the Scottish Public Services Ombudsman (SPSO) when dealing with escalated complaints in relation to the proposed Human Rights Bill, as well as views in relation to strengthening the ability of relevant scrutiny bodies - such as certain inspectorates and regulators - to ensure the rights in the Bill are embedded in public bodies. The consultation

also explored the potential for the Scottish Human Rights Commission (SHRC) to have new powers to enable them to play a key role in promoting, protecting and realising human rights.

The Scottish Government will analyse responses to the consultation following its close on 05 October 2023, and will engage further on proposals in preparation for introducing the Bill to the Scottish Parliament during the 2023/24 parliamentary year.

Public procurement

The Scottish Government believes that those it contracts with should adopt high standards of business ethics.

Companies tendering for public sector contracts are expected to operate within social, environmental and labour laws and obligations, and can be excluded from tendering where breaches of these laws occur. Companies awarded public contracts are required to comply with social, environmental and labour laws and obligations when performing those contracts, and contracts can be terminated where breaches of these laws occur. The [sustainable procurement duty](#) set out in [The Procurement Reform \(Scotland\) Act 2014](#) requires public bodies to consider and act on opportunities to improve economic, social and environmental wellbeing, and reduce inequality within their procurements.

The Scottish Government uses the duty as a means of driving positive outcomes in its contracts through a range of means, for example Fair Work, community benefits, and addressing the climate emergency. Scotland's national [sustainable procurement tools](#) and associated guidance have been designed to help public bodies comply with policy and legislation, and include a focus on human rights and equality as well as climate and circular economy obligations.

These tools link to Scotland's [National Performance Framework](#), providing a line of sight between procurement activity and local and national strategic priorities through the National Outcomes and Indicators.

Fair work

Under the [Scotland Act 1998](#), powers over employment law, the regulation of international trade, and trade & industry are reserved to the UK. In the absence of employment powers, the Scottish Government is using its Fair Work policy to promote fairer work practices across the labour market in Scotland.

The Scottish Government provides leadership as an employer and through policy, including applying Fair Work conditions to public sector investment. Through the [Fair Work First](#) policy, the Scottish Government is applying Fair Work criteria to as many public contracts as possible, with employers being asked to commit to adopting a range of Fair Work practices, including fair pay.

In October 2021, it became a requirement for companies bidding for Scottish Government contracts to pay workers delivering those contracts at least the [real Living Wage](#), where relevant and proportionate. While public bodies are responsible for their own procurement decisions, Fair Work First is being encouraged across the whole of the public sector in Scotland to help drive up workplace standards.

Climate change/environment

The Scottish Government maintains a comprehensive set of environmental regulations to ensure that business and industrial premises in Scotland operate within high standards.

The Scottish Environment Protection Agency regulates individual sites, setting limits on their impact on the environment through permits, and monitors their environmental performance

to prevent any harm to the health and wellbeing of people. Environmental monitoring data is publicly available for large industrial sites and for water and air quality across Scotland.

Legislation on the health and safety of workers and corporate reporting standards are reserved to the UK Government. In Scotland, changes in business activity that could impact on the environment require changes to environmental permits and development planning permissions. Significant new developments will be subject to Environmental Impact Assessments, which provide transparent information on the potential impacts on the environment and communities, and how these will be mitigated, as part of the process of securing planning permission.

Trade & investment

The Scottish Government supports Scotland's enterprise agencies to carry out due diligence checks on their trade and investment activity, including applying the Scottish Government's [Guidance on due diligence: human rights](#) and discretionary economic policy against trade and investment with Russia.

The Scottish Government – in addition to the UK's legally binding sanctions regime – [led calls for businesses](#) to sever their links to Russia and made clear that the Scottish Government and its enterprise agencies will use all available powers not to support trade and investment activity with Russia.

Scotland's economic agencies undertake a range of checks on businesses to identify any ongoing investment, trading, or other links with Russia, and steps they have taken to withdraw from them, while recognising where it may not always be feasible to do so, for example due to contractual obligations or if staff safety might be jeopardised.

In addition, in line with its commitment to the UN Guiding Principles on Business and Human Rights, the Scottish Government wrote to seven companies identified as having a relationship with a Scottish public body and which were included in the UN Office of the United Nations High Commissioner for Human Rights (OHCHR) Database of companies involved in 'listed activities' in the Occupied Palestinian Territories, asking what they have done or were doing to cease those listed activities. This followed guidance issued in December 2021 to all public bodies asking them to consider the OHCHR Database in their due diligence processes.

Recommendation 7: How Scottish policy frameworks and practices such as Fair Work First or the Business Pledge can be strengthened to promote children's rights in line with the UNCRC.

Fair Work is central to Scotland's [National Strategy for Economic Transformation](#), which reiterates key government commitments, including for employers to pay at least the Real Living Wage, to offer living hours and support flexible working, all of which is vital in tackling the cost crisis, in-work poverty and child poverty.

Through the Fair Work First policy the Scottish Government is leveraging employers' commitment to fair work by applying Fair Work criteria to public sector grants, other funding and contracts where it's relevant and proportionate to do so. Employers are being asked to commit to:

- appropriate channels for effective voice, such as trade union recognition.
- investment in workforce development.
- no inappropriate use of zero hours contracts.
- action to tackle the gender pay gap and create a more diverse and inclusive workplace.
- payment of the real Living Wage.

- offer flexible and family friendly working to all workers from day one of employment.
- oppose the use of fire and rehire practices.

Fair Work First criteria have been attached to some £4 billion of public sector investment since 2019, and more recently the Scottish Government has further strengthened its conditionality approach. Public sector grants awarded on or after 1 July 2023 will include a requirement to pay at least the real Living Wage to all employees, and provide appropriate channels for effective voice.

Fair pay, and ensuring workers have an effective voice are critical to tackling child and in-work poverty and delivering sustainable inclusive growth.

Recommendation 8: How the Scottish Government intends to address gender segregation in its employability programmes and Modern Apprenticeship Scheme.

The Scottish Government is committed to working with [Skills Development Scotland \(SDS\)](#) and the [Scottish Funding Council \(SFC\)](#) to identify and understand how to improve participation in apprenticeships for all underrepresented groups. This will require systemic change with a major cultural shift in the career pathways that people choose, as well as the recruitment and employment practices of businesses.

To support the cultural shift required, the [Scottish Apprenticeship Advisory Board \(SAAB\)](#) created the [Gender Commission](#) to develop recommendations that offer practical solutions to help address the gender imbalance across the whole Apprenticeship family, and to advise the Scottish Government how it can better support all businesses in this area.

The Scottish Government has formally responded to the [report and recommendations](#) of the Gender Commission. This includes a commitment to working in partnership with SDS and SFC to realise the outcomes of the Gender Commission Report as noted in the [Gender Pay Gap Action Plan](#).

SDS have a commitment within their equality outcomes to ensure that “Women and girls can access and sustain learning and careers which reflect their skills and interests, enabled by the adoption of gender-sensitive approaches from employers and key influencers”.

This includes working with young women and girls and their influencers to encourage them to pursue opportunities and pathways in male-dominated industries should this be their choice. The overarching messaging to parents consistently emphasises the need to help all young people explore all possibilities available to them.

To measure progress, SDS will evaluate the effectiveness of the career service in supporting senior phase pupils to explore a wide range of career options and to challenge gender stereotypes. Gender balance in apprenticeship starts and achievement rates are also considered.

In July 2020 SDS also published their Equality Impact Assessment (EQIA) for work-based learning. The EQIA provides detail about the action SDS will take in compliance with the public sector equality duty and in partnership with others to promote equality and diversity in Scottish Apprenticeships. Further information on the work-based learning EQIA can be found at [Skills Development Scotland \(SDS\) has launched its Equality Impact Assessment \(EQIA\) for work-based learning. | Skills Development Scotland](#).

Recommendation 9: How the Scottish Government intends to improve the effectiveness of existing policy and law to prevent and respond to the exploitation of children, including sexual exploitation.

Protecting children from exploitation is a key priority for the Scottish Government. This includes all forms of exploitation including sexual abuse and exploitation, and the approach to tackling these harms in Scotland reflects the interlinked nature of these issues.

The updated [National Guidance for Child Protection in Scotland](#) was published in August 2023. The Guidance describes the responsibilities and expectations of everyone who works with children, young people and their families in Scotland. It incorporates learning from child protection cases, supports improved cross-agency working and outcomes for children at risk. It provides information and guidance on child exploitation to support local areas in Scotland in developing effective responses to help identify and support victims of exploitation.

The Scottish Government also aim to secure the online safety of children and young people which is why the Scottish Government is taking a range of actions, including funding third-sector organisations involved in safeguarding, preventing and responding to child sexual abuse and exploitation; and delivering campaigns aimed at parents and carers to keep children and young people safe online.

[Practitioner Guidance on Criminal Exploitation was published in 2023](#) to support a shared understanding of criminal exploitation of children and adults, and to help assist with early identification of those at risk. The Guidance was developed via the Scottish Government's Serious Organised Crime Taskforce, however, it equally applies to child criminal exploitation which is not linked to serious organised crime.

Recommendation 19: What action the Scottish Government will take to end the risk of children and young people being brought into the criminal justice system as a result of human trafficking.

Child trafficking has a devastating impact on children and young people, which is why both tackling the root causes and supporting victims to recover are key priorities for the Scottish Government. Tackling human trafficking is the joint responsibility of the Scottish Government, the UK Government, the Police, local authorities and support agencies.

Child trafficking and exploitation victims must be cared for and supported within the context of Scotland's child protection system and the national [Getting it right for every child \(GIRFEC\)](#) approach. In August 2023 the Scottish Government updated the 2021 [National Guidance for Child Protection](#) which includes detailed advice for all practitioners who support children and families on identifying and supporting victims of human trafficking and exploitation.

Scotland's [Trafficking and Exploitation Strategy](#), published in 2017, set out Scotland's vision to eliminate human trafficking and exploitation and is reviewed every 3 years. On 19 September 2023, the Scottish Government published its [second statutory review](#) and committed to the development of a refreshed Trafficking and Exploitation Strategy.

[The Scottish Government's Child Trafficking Strategy Group \(CTSG\)](#) meets on a quarterly basis and is responsible for taking forward specific actions which relate to children who are, or may be, victims of human trafficking and exploitation.

The Scottish Government launched a new statutory service called Guardianship Scotland on 1 April 2023. The service provides specialist support to unaccompanied asylum seeking and trafficked children who arrive in Scotland alone. This contract will run for an initial 3 years and receive funding of just under £1 million annually.

The Scottish Government continues to work with the Home Office on its pilot to devolve decision-making about children within the National Referral Mechanism. The pilot is testing whether devolving decisions about whether a child is a victim of modern slavery from the Home Office to practitioners in local areas involved in their care will speed up the decision-making process and more closely align with the provision of local, needs-based support. Glasgow City Council is one of the 20 areas participating in the pilot. This provides the opportunity to ensure that Scotland's distinct approach to the care and protection of victims of modern slavery and trafficking is considered and reflected in NRM reforms. The pilot has been extended to run until March 2024.

Recommendation 20: For further information on actions to implement and ensure the full effectiveness of the 'Bairns' Hoose' proposals.

Scottish Government is committed to implementation of the Barnahus model – known in Scotland as [Bairns' Hoose](#). Based on the requirements of the United Nations Convention on the Rights of the Child (UNCRC), the Bairns' Hoose model will reflect all relevant policy and legislative developments across children's services, justice and health and social care in Scotland. It has been a long standing, crosscutting policy ambition and is a key action in the [Keeping the Promise Implementation](#) Plan, the ['Best Start, Bright Futures: Tackling Child Poverty Delivery Plan 2022 to 2026'](#); and in the [Programme for Government 2023](#) the Scottish Government committed to launch Bairns' Hoose Pathfinders in Autumn 2023.

The Scottish Government has introduced a three-phased approach to Bairns' Hoose, from 2023, beginning with the Pathfinder phase; leading into a pilot phase followed by national rollout.

The Scotland-specific Standards, developed in conjunction with Healthcare Improvement Scotland and the Care Inspectorate, were published on 31 May 2023. The Standards are based on the European PROMISE Quality Standards which reflect best practice from the Nordic countries. The key purpose of the Standards is to provide a common operational and organisational framework for a new, high quality model which is designed around the needs and rights of children.

The Scottish Government published a suite of documents on 1 June 2023, including the Refreshed vision, values and approach, Children and young people: participation and engagement plan and Bairns' Hoose - project plan: progress report and pathfinder delivery plan, which sets out the action taken to date and how Scotland will trial the new Bairns' Hoose Standards in Pathfinder partnerships.

Pathfinder partnerships will comprise of collaborations across Health, Social Work and Police with demonstratable links with 3rd sector and education partners. The focus of the Pathfinder phase is to begin to test newly published national Standards. It will enable Scottish public authorities to better understand and address the complexity of the necessary systemic change. Pathfinders will demonstrate how the Standards work in practice in different contexts, enabling the design of a national Bairns' Hoose model and the support required to achieve this.

A Fund of £6 million will support the Pathfinder phase in 2023-24. Successful Pathfinders will be announced in October 2023. By spring 2025, there will be an initial blueprint for the Bairns' Hoose model in Scotland and will develop a Delivery Plan for the Pilot Programme.

Bairns' Hoose will build on the momentum of the new Scottish Child Interview Model (SCIM) for Joint Investigative Interviews, which is being introduced nationally from 2021 to 2024 and will be seen as the 'justice room' of the Bairns' Hoose.

SCIM delivers an interview process that secures the child's best evidence at the earliest opportunity and minimises the risk of further re-traumatisation. This is a ground-breaking approach to interviews for vulnerable child victims and witnesses which is currently being rolled out across Scotland thanks to £2 million of Scottish Government funding.

Article 8.

Right of employed women to protection of maternity

Recommendation 21: What measures the Scottish Government is taking to address the barriers to shared parental leave, including within the civil service and other public bodies.

Parental leave and pay is a reserved matter, however the Scottish Government supports a gender-balanced use of employee benefit and family-related leave and strongly supports steps to improve the package of support offered to all parents from when they first become parents and throughout the early stages of family life.

The current Programme for Government has committed Scotland to emulating New Zealand where families who sadly experience miscarriage or stillbirth are entitled to three days of paid leave.

Recommendation 22: Whether the Scottish Government will use employability programmes to support women who were pregnant or gave birth during the pandemic who wish to upskill or return to work.

The Scottish Government's Women Returners funding supported over 2,100 women, between 2021-23, with their route back to work, helping the Scottish Government to fulfil its existing 2018/19 commitment by the end of the 2022/23 financial year.

While the programme ceased delivery on 31 March 2023 it is only one measure that provides employability support to women who will continue to have access to person-centred, tailored services through a combination of locally designed services such as [No One Left Behind](#) and [Fair Start Scotland](#).

The Scottish Budget sets out more than £108 million for employability in 2023/24 to support those further from the labour market. Experimental statistics for No One Left Behind show that 39,632 people started receiving support in the four years from April 2019 to March 2023, of which 43% were female. Among parents, who make up 22% of No One Left Behind participants, the number of women receiving support is significantly higher, with 74% of parents receiving support being female.

Fair Start Scotland referrals have been extended by 12 months, ending March 2024. This extension will help to bring stability to the employability system at a time of significant change and uncertainty within the wider economy and labour market and ensures that the proper support is in place for the most vulnerable individuals in Scottish society.

Statistics published on 26 July show there were 57,601 starts on Fair Start Scotland from April 2018 to March 2023 and 18,819 job starts. 38% of those joining was female.

Article 16.

Right of the family to social, legal and economic protection

Recommendation 23: How all relevant public bodies will be appropriately financed and trained to enforce the Domestic Abuse (Scotland) Act 2018.

To support the implementation of the [Domestic Abuse \(Scotland\) Act](#), the Scottish Government provided additional funding of £825,000 to Police Scotland to support officers and staff to respond to and investigate new offences. Police Scotland introduced a programme of change entitled Domestic Abuse Matters (Scotland), seeking to continually improve the response to domestic abuse. As a result:

- 14,000 officers and staff have received specialist training to spot the signs of coercive and controlling behaviour.
- 18,500 officers and staff have also completed online learning about the new legislation and domestic abuse.

The Scottish Government provided £166,000 to [Scottish Women's Aid](#) to develop training materials and train workers within local women's aid groups and other victim support organisations.

The Scottish Government dedicated £400,000 to develop an awareness raising campaign on domestic abuse, which was run when the act was introduced in April 2019. Furthermore, this campaign was re-run during the early months of the coronavirus pandemic to ensure victims were still aware of services available to them and highlight the commitment to tackling domestic abuse.

The [Crown Office and Procurator Fiscal Service](#), who prosecute criminal cases, have developed an in house package of training for prosecutors, including workshop training and self-completion e-learning on the new legislation to help prosecutors understand and appreciate the dynamics of controlling relationships.

The [Judicial Institute for Scotland](#) also launched interactive blended training for all sheriffs and judges to support the implementation of the Act. [The Scottish Women's Rights Centre](#) (SWRC) launched a training video for solicitors, which discusses the benefits of a trauma-informed practice when working with those who have experienced domestic abuse. In order to continue to raise awareness of the new legislation, the Scottish Government have worked with [SafeLives](#) to develop a new online resource [Domestic Abuse Awareness Raising Tool](#) (DAART) to help support people experiencing, or at risk of, domestic abuse.

Recommendation 24: How the Scottish Government will utilise and build on the Equally Safe Strategy to prevent violence against women and children in Scotland, including by improving specialist provision for LGBT people, Black and ethnic minority women, disabled people and individuals with complex needs.

The refresh of the [Equally Safe strategy](#) provides the opportunity to reflect changes in the social and legislative landscape without moving from the aims and objectives of the strategy that stakeholders value. We are committed to engaging with a wide range of stakeholders throughout the refresh to ensure that we understand and reflect on changes that need to be made.

Recommendation 25: How the Scottish Government will ensure that all services to support women who experience gender-based violence are available and accessible to all survivors, regardless of immigration status.

[Equally Safe](#) is Scotland's strategy to prevent and eradicate violence against women and girls. Our Delivering Equally Safe fund provides funding of £19m per year to 121 projects from 112 organisations that focus on early intervention, prevention as well as support services. The approach adopted in Scotland is decentralised. The Scottish Government funds a range of civil society service providers, who are able to direct operational activity

towards those most in need of assistance, based on an independent expert assessment of local and sectoral priorities.

The Scottish Government is working to protect all women who experience abuse or are at risk of abuse. As a matter of devolved policy we are clear that women who are at risk but have no recourse to public funds should be offered the same level of support as other women in Scotland and should not face disadvantage or discrimination because of their immigration status.

We continue to engage with the UK Government with a view to ensuring that all victims of domestic abuse are afforded the same level of protection and support.

Recommendation 26: What the Scottish Government is doing in response to the recommendations of the Independent Working Group on Misogyny and Criminal Justice.

[Baroness Kennedy's Working Group](#) on misogyny and the criminal law published its report in March 2022. It made 4 recommendations for reform of the criminal law:

- A new statutory aggravation to relate to misogynistic conduct where a crime such as assault, criminal damage/vandalism or threatening or abusive behaviour is aggravated by misogyny
- A new offence of stirring up hatred against women and girls
- A new offence of public sexual harassment of women and girls; and
- A new offence of issuing threats of, or invoking, rape or sexual assault or disfigurement of women and girls.

In March 2023, the Scottish Government published a consultation seeking views on draft legislative provisions to implement these recommendations. Consideration of the recommendations in the report led to the conclusion that the proposed offence of 'public misogynistic harassment' could best be implemented as two separate offences, one of 'misogynistic harassment' and one of 'misogynistic behaviour'.

On 5 September 2023, the First Minister, Humza Yousaf MSP, confirmed during his Programme for Government 2023-24 speech that the Scottish Government will bring forward a Bill to implement the recommendations of the working group chaired by Baroness Helena Kennedy, informed by the responses to the recent consultation, to create new criminal laws to address misogynistic harassment and abuse. This is reflected in the legislative programme as set out in the Programme for Government.

Recommendation 27: What the Scottish Government is doing to improve access to affordable accommodation that meets the needs of women and children who have experienced domestic abuse and to reduce their risk of homelessness.

The Scottish Government has committed to developing a shared understanding of housing affordability for Scotland and has convened a working group of stakeholders and experts from across the housing sector in Scotland, including those with knowledge of gender issues, to assist with this task.

With an initial focus on the rented sector, the group is exploring the underlying meaning of affordability and its different uses within housing debates, policy and practice. The group will work together to try to agree a shared understanding of what housing affordability is in order to support a range of policy and sector requirements across relevant areas. The project is a work in progress. The working group has met twice and is due to meet in September and November 2023

Domestic abuse is one of the most common reasons for women applying for homelessness assistance. In 2022/23, 3,805 out of 17,100 women making a homelessness application cited the reason as due to 'dispute within household: violent or abusive' which equates to 22% of all women seeking homelessness assistance.

The Scottish Government is strongly focused on improving outcomes for women experiencing domestic abuse and is making progress with plans to protect the rights of women to stay safely in their own homes if they choose.

The Scottish Government is currently developing the necessary secondary legislation and guidance for part 2 of the Domestic Abuse (Protection) (Scotland) Act. This new legislation, gives social landlords the ability to apply to the court for an order to transfer a tenancy to the victim-survivor.

The Scottish Government will also make it a legal requirement for social landlords to develop and implement a domestic abuse housing policy as part of the approach to the prevention of homelessness duties. This will include outlining how they will support their tenants experiencing domestic abuse with their housing needs.

Recommendation 28: What steps the Scottish Government intends to take in response to the review of the management of sexual offences conducted by the Lord Justice Clerk, including actions on access to justice for victims of rape and sexual assault and the use of the not proven verdict.

The [Victims, Witnesses and Justice Reform \(Scotland\) Bill](#) was introduced to the Scottish Parliament on 25 April 2023.

The Bill responds to concerns raised about the need to improve the experiences of victims and witnesses within Scotland's justice system, especially the victims of sexual crime. It also continues to safeguard the operation and principles of the system and protects the rights of those accused of crime.

The Bill has been informed by the work of the Victims Taskforce, the recommendations of Lady Dorrian's Review into Improving the Management of Sexual Offence Cases and by the findings of the Governance Group set up to consider approaches to implementing the recommendations of that Review. Policy proposals were informed by two public consultations: one on the not proven verdict and related reforms (which ran from December 2021 to March 2022) and one on improving victims' experiences of the justice system (which ran from May to August 2022).

The Bill aims to:

Ensure victims are treated with compassion and their voices are heard by:

- embedding trauma-informed practice across the system and requiring justice agencies to make efforts to reduce re-traumatisation
- establishing an independent Victims and Witnesses Commissioner for Scotland to champion the rights of victims and witnesses
- safeguarding vulnerable parties and witnesses in civil cases through extending special measures and protecting people who have suffered abuse from being cross-examined by their abuser

Ensure justice meets the needs of survivors of sexual offences, the majority of whom are women and girls by:

- introducing an automatic lifelong right to anonymity for victims of sexual offences and certain other offences, including human trafficking, modern slavery, female genital mutilation, hymenoplasty and virginity testing
- establishing a specialist sexual offences court that is distinct from existing court structures, which enables complainers to give their best evidence while minimising the potential for re-traumatisation
- providing an automatic right to state-funded independent legal representation for complainers when applications are made to lead evidence of their sexual history or character in sexual offence cases
- enabling a pilot of single judge trials for cases of rape and attempted rape to take place to gather evidence on their effectiveness

Ensure Scotland's laws and legal processes meet the needs of a modern nation and enable public confidence in the justice system by:

- abolishing the not proven verdict in all criminal trials in Scotland to help create a clearer, fairer and more transparent decision-making process.
- by making related reforms to reduce juror numbers (from 15 to 12) and require a two-thirds majority for conviction to increase confidence that verdicts are returned on a sound, rational basis while ensuring balance and fairness to all parties

The Bill is currently at Stage 1 of the parliamentary process. Its progress can be tracked via the Scottish Parliament website using the link above.

Recommendation 29: How the Scottish Government will improve the flexibility of the 1140 hours offering to ensure sufficient provision for families who work irregular hours.

An affordable and accessible childcare system is critical to supporting parents to enter and sustain employment. Flexibility is also important so that parents and carers have choices about the type and hours of work they are able to undertake.

Since August 2021, all councils have been offering 1,140 hours of funded Early Learning and Childcare (ELC) to all three and four year olds and eligible two year olds (around a quarter of all two year olds currently) making high quality early learning and childcare available to families.

The existing 1140 offer is provided through a Funding Follows the Child model, and flexibility and choice are fundamental. The Children and Young People (Scotland) Act 2014 requires local authorities to consult with parents about their childcare needs to ensure that there is an element of local flexibility, reflecting local needs, in the availability of funded ELC.

Independent research published in December 2022 found that 88% of families with a 3-5 year-old child in funded ELC were satisfied that they could access this in a way that meets their needs.

In recognition of the importance of childcare in supporting parents to enter and sustain employment, new commitments were set out in the Scottish Government's Programme for Government, published on 5th September 2023. These are:

- Work with Local Government and other partners to develop the local infrastructure and services needed to provide childcare for families with children from the age of nine months to the end of primary school in specific communities in six local authority areas.

This will enable the Scottish Government to test what an all age childcare model looks like in Scotland for the first time.

- Through this community-based approach, test a new digital service to help parents and carers find, access and pay for childcare that best suits their needs, laying the foundations to transform the childcare system in the longer-term in a way that empowers parents and supports greater choice.
- Provide funding to uplift pay in the Private, Voluntary and Independent (PVI) sector to £12 an hour for those delivering funded ELC – this action is needed now to support effective recruitment and retention of staff working in the sector.
- Scale up innovative pilots for recruiting and retaining childminders to grow that essential part of the workforce by 1,000 more.
- In parallel the Scottish Government will work with local authority and other sectoral partners to phase in an expanded national offer for families with two year olds, focused on those who will benefit most. This will expand access to funded ELC to around 40% of families with a two year old over time.
- Taken together these commitments will expand access to funded childcare for 13,000 more children and families.

Recommendation 30: How the Scottish Government plans to ensure the adequacy of devolved benefit and social security entitlements for all in Scotland.

Following the unanimous decision of the Scottish Parliament to pass the [Social Security \(Scotland\) Act 2018](#) (“the 2018 Act”), the Scottish Government has established a radically different social security system for Scotland built on dignity, fairness, and respect.

To date the Scottish system includes 13 benefits – seven of which are available only in Scotland – thanks to a total investment of around £12 billion to March 2023. In 2023-24 the Scottish Government will invest £5.3 billion in benefits and payments under the devolved system and these will reach around 1.2 million people, rising to £7.4 billion and 2 million people in 2027-28.

Section 86A of the 2018 Act places a duty on Scottish Ministers to annually review the rates of devolved social security benefits under the 2018 Act to calculate the effects of inflation and prepare a report outlining what Ministers have done or intend to do in light of their calculations. Section 86B stipulates that Scottish Ministers must bring forward legislation for 5 of the devolved benefits each year, following that exercise, to uprate the value of assistance to be given for 5 devolved benefits.

The Scottish Government’s policy on uprating is underpinned by a comprehensive evidence review published in 2019. This process uses the Consumer Price Index rate in the 12 months to September to assess impacts on benefit rates each year. The Scottish Government has made clear its longer term commitment to continuously reviewing its uprating policy and will continue to consider alternative approaches.

The Scottish Government is determined to use its powers to move at pace to help and support those who need it most. This was recently demonstrated in November 2022 when the [Scottish Child Payment](#) (SCP) was increased by 25%, bringing forward its uprating by four months and increasing its rate above inflation. On balance, increasing SCP beyond the rate of inflation to £25 per week, and uprating other devolved benefits by 10.1%, was considered to be the most effective way to support the Scottish Government’s stated priorities, including tackling child poverty.

The Scottish Government’s 2023 Programme for Government commits to continuing to look for new and innovative ways to reduce poverty and inequality. This includes continuing current work with the [Minimum Income Guarantee Expert Group](#) to consider feasible steps

towards delivering a Minimum Income Guarantee in Scotland. The Minimum Income Guarantee Expert Group will report on their recommendations in 2024. A Minimum Income Guarantee has potential to deliver transformational change, reduce poverty and inequality. It ensures everyone has enough money to live a decent, dignified, healthy and financially secure life. This can be about providing appropriate levels of social security, but it is also about supporting those who are able into appropriate and sustained employment and training opportunities; providing secure, steady work; and reliable and affordable services – such as childcare and transport.

Furthermore, ensuring that people access all of the social security benefits which they are entitled to is a fundamental priority for the Scottish Government. The 2018 Act establishes a legal duty on Scottish Ministers to promote the take-up of benefits within the Scottish social security system. As part of the duties placed on Ministers by the 2018 Act, the Scottish Government must periodically publish a Benefit Take-Up Strategy. The second Strategy, published in October 2021, sets out how the Scottish Government is working to ensure people access their full social security entitlement through the development and implementation of a number of benefit take-up initiatives.

Recommendation 31: How has the ‘safe and secure transition’ and emphasis on mitigation of reductions considered ESC rights in Scotland.

Scotland’s new, devolved social security system is founded on the principle that social security is both a human right in itself and essential to the realisation of other human rights. All aspects of the design, development and delivery of this new system are defined by adherence to the key principles set out in section 1 of the 2018 Act. These recognise the central importance of human rights in general, and the right to social security in particular.

User research conducted during the passage of the 2018 Act highlighted the need for an immediate focus on ensuring that the 700,000 people in Scotland in receipt of disability and carer benefits experience a safe and secure transition to Social Security Scotland and onto Scottish Government assistance. This was further confirmed by [experience panel members](#) when developing clear [case transfer principles](#).

This priority was further reinforced by the Disability and Carer Benefits Expert Advisory Group in their [advice on case transfer](#). Households must continue to receive their benefits on time and in the right amount and there has been a recognition of the need to avoid a “two-tier” system while effecting this transition. These principles, and the legislation that realises them, were developed with human rights at their core, in line with the acknowledgement that social security is a human right and that people must be guaranteed this right without discrimination.

This means that, in the immediate future, no fundamental changes to existing benefits’ structure or rules will be made. Where possible to do so, improvements have been made in line with these principles, such as extending entitlement to Carer Support Payment, which replaces Carer’s Allowance in Scotland, to many unpaid carers who wish to study full-time, reducing barriers to education and helping to provide more stable incomes.

The Scottish Government has also made a number of changes that will provide disabled people and carers with a different experience when accessing the support they are entitled to. Taking a human rights based approach, Social Security Scotland’s person-centred decision making process ensures everyone is treated with dignity, fairness and respect.

To date the successful case transfer process has safely and securely moved the disability benefit awards of more than 97,000 people from the DWP to Social Security Scotland. There has been a short delay to the initially planned 2024 completion of case transfer due to the

coronavirus pandemic, but the Scottish Government remains confident that it will prove possible to complete the transfer of all disability and carer benefit awards by the end of 2025.

The Scottish Government is continuing to work with disabled people, carers and stakeholder organisations to seek ways to improve the new benefits arrangements, which can be implemented once safe and secure transition is complete.

The Scottish Government will deliver its commitment to undertake an independent review of [Adult Disability Payment](#). It is fundamentally important to take appropriate time to get any decisions right to ensure that Adult Disability Payment continues to meet the needs of disabled people. [Further improvements have already been proposed to the Carer Support Payment](#) once case transfer is complete, such as an additional payment for those that care for more than one person and extending the run-on of the benefit to the carer if the person they care for passes away.

Recommendation 32: How have negative impacts on families, disabled people, women and minority ethnic communities' rights been responded to in social security design and implementation in Scotland.

A defining feature of the Scottish Government's human rights approach to social security is that every aspect of the new system has been designed together with the people who access and rely on services.

The Scottish Government has undertaken extensive research with the Social Security Experience Panels – over 2,000 people with lived experience of the social security system and additional 'Seldom Heard Voices' securing participation from the widest possible range of perspectives. Panel members are helping to shape everything from the style and language used in letters, the application process and the look and feel of Social Security Scotland's buildings. This research has for example informed extension of ways in which people can access services so that more people can access support in the way that works best for them, with clients being able to apply online, by phone, by post or face-to-face. They also co-designed the social security charter; the document that defines the human rights based nature of the Scottish approach to social security.

The Scottish Government has gathered diversity and other information about panel members and is using this to ensure the representation of a full range of people across different ages, genders, ethnicities, sexual orientations and types of disability. This work has targeted recruitment at a number of priority groups, including young people, ethnic minorities and people in remote and island communities. The Scottish Government has recently undertaken bespoke work with: marginalised and dispersed groups such as vulnerable groups; mobile populations; carers and care experienced people and those for whom the subject matter is sensitive such as the bereaved and those at the end of their lives. Work is also being undertaken with relevant stakeholders to build relationships with these groups. This work, combined with the client insights work taking place in Social Security Scotland, provides a rich seam of evidence helping to develop and inform a system that works for all of Scotland's communities.

Furthermore, the Scottish Government is committed to using the limited powers it has to try and make the delivery of Universal Credit ("UC") better suited to the needs of those who claim it. The Scottish Government intends to introduce split payments of UC in Scotland to give everyone access to an independent income and to promote equality in the welfare system.

Recommendation 33: How the Scottish Government will implement the measures in the Destitution Strategy to ensure people with No Recourse to Public Funds (NRPF) have access to maximum financial support possible.

The Scottish Government and [COSLA](#) are working together to implement the [Ending Destitution Together strategy](#), which was published in March 2021.

The strategy focuses on what can be done in the devolved context to improve support for people subject to NRPF who are living in communities across Scotland.

NRPF forms part of immigration legislation and rules which are reserved to the UK Parliament.

Recommendation 34: How is Scottish housing policy and legislation being met in practice and how are they ensuring the progressive realisation of the right to adequate housing.

The Scottish Government is committed to delivering on its target of 110,000 affordable homes by 2023 as set out in the [Affordable Housing Supply Programme](#). At least 70% of these homes will be available for social rent and 10% will be in remote, rural and island communities. Between 23 March 2022 and end June 2023, 13,354 homes have now been delivered towards the 110,000 affordable homes target, of which 10,459 (78%) are homes for social rent. The 10,757 affordable homes delivered to end June 2023 is the highest annual figure since the start of the statistical series in 2000.

Recommendation 35: Whether the policy and legislation ensures that significant number of individuals are prevented from being deprived basic shelter.

The abolition of priority need in Scotland in 2012 means that any household assessed as unintentionally homeless is entitled to settled housing.

The Scottish Government's strategy to tackling homelessness is clearly set out in its Ending Homelessness Together Action Plan, which is strongly supported by organisations across Scotland's homelessness sector.

Also see the response to Recommendation 34.

Recommendation 36: How the Scottish Government plans to address the length of time families are spending in temporary accommodation.

The Scottish Government commissioned an expert group to bring forward innovative ways to reduce the number of households in temporary accommodation. In response to the recommendations, the Scottish Government has committed to:

- invest at least £60 million this year through the Affordable Housing Supply Programme to support a national acquisition plan;
- maintain momentum in its Affordable Housing Supply Programme and work towards delivering 110,000 affordable homes by 2032, with at least 70% of these homes being for social rent;
- work with social landlords to deliver a new programme of stock management;
- implement targeted partnership plans with the local authorities facing greatest pressure – backed by an additional £2 million.

Following publication of the Scottish Government's response to the expert group, on 19 July 2023, the Minister for Housing undertook a programme of engagement with Housing

Convenors across a number of local authorities. He has invited bespoke proposals to address the issues specific to each area. Meetings are continuing, at both an official and political level, with the local authorities most under pressure in order to discuss their bespoke proposals.

In its response to the expert group, the Scottish Government recognised the positive impact improved management of temporary accommodation stock would have on reducing the length of time households spend in temporary accommodation. The Scottish Government will support local authorities and registered social landlords with a range of approaches to local housing stock management, including large scale flipping of tenancies, effective void management and greater allocations of social homes to homeless households. It will also continue to ensure a strong focus on bringing empty homes back into use to increase the supply of available affordable housing.

Recommendation 37: What measures the Scottish Government is taking or intending to take to improve access to affordable, high quality and culturally appropriate food, especially during a period of crisis.

The Scottish Government's commitment to improving access to affordable, high quality and culturally appropriate food is evidenced by the [Good Food Nation \(Scotland\) Act 2022](#).

When preparing the national Good Food Nation Plan, required under this legislation, the Scottish Ministers must have regard to (amongst other things) "the ability of high quality, nutritious and culturally appropriate food to improve the health and physical and mental wellbeing of people". This Plan will be consulted on later in 2023 and will set out the measures that the Scottish Government is already taking or is intending to take with regard to this issue.

The Scottish Ministers must have regard to the national Good Food Nation Plan when carrying out specified functions. It is proposed functions are included which relate to the provision of food in a range of public settings, the provision of guidance or support related to food shortages and the provision of food education.

The Scottish Government is supporting a range of measures to make it easier for individuals and families to access healthier food options on a budget.

The Scottish Grocers Federations' Healthy Living Programme was established in 2004 by the Scottish Government to encourage the sale of fruit and vegetables through convenience stores in Scotland. The programme continues to support convenience stores to provide affordable healthier food options, especially in lower income areas. The programme currently has over 2000 members with 66% of these operating in the most deprived areas. In 2023/24, the Scottish Government will invest £352,000 in funding for the Programme.

This financial year, the Scottish Government will also provide £100,000 of funding to the Community Food Networks to promote healthier diets in disadvantaged groups, who are experiencing barriers to accessing healthy foods. The Networks offer a range of services such as cooking classes, benefit checks, 'grow-your-own' food groups, cafes and food pantries. There are 4 large regional Community Food Networks: Edinburgh Community Food, Glasgow Community Food, Lanarkshire Community Food and Health Partnership and Community Food Initiatives North-East (serving the Grampian area).

In addition, the Scottish Government's Parent Club website provides free advice on healthy eating, as well as recipe ideas to support individuals and families in preparing healthy meals on a budget.

See also the further detail provided in the response to recommendation 38.

Recommendation 38: What measures are being applied to ensure the affordability, accessibility and sustainability of the right to food? In particular, what measures are being implemented that guarantee access to minimum essential food that ensures freedom from hunger.

Scotland is the first nation in the UK to publish a Plan, grounded in human rights, that works towards ending the need for food banks.

The Cash-First Plan developed by the Scottish Government outlines the 9 collaborative actions it will take over the next 3 years to improve the response to crisis so that fewer people need to turn to emergency food parcels. This includes a new £1.8 million Programme to improve urgent access to cash in a crisis, maintaining the value of the £41 million Scottish Welfare Fund, and continuing to invest in dignified community-led responses to food insecurity.

In addition, the Good Food Nation (Scotland) Act 2022 makes clear that Scottish Ministers, when preparing the national Good Food Nation Plan must have regard to the fact that adequate food is a human right (as part of the right to an adequate standard of living set out in Article 11 of the International Covenant on Economic, Social and Cultural Rights) and is essential also to the realisation of other human rights. As noted in response to recommendation 37 the Plan will be consulted on later in 2023 and will set out the measures that the Scottish Government is already taking or is intending to take.

The Scottish Government is supporting a range of measures to make it easier for individuals and families to access healthier food options on a budget.

The Scottish Grocers Federations' Healthy Living Programme was established in 2004 by the Scottish Government to encourage the sale of fruit and vegetables through convenience stores in Scotland. The programme continues to support convenience stores to provide affordable healthier food options, especially in lower income areas. The programme currently has over 2000 members with 66% of these operating in the most deprived areas. In 2023/24, the Scottish Government will invest £352,000 in funding for the Programme.

See also response to recommendation 37

Recommendation 39: To describe what the Scottish Government is doing to address the concerns regarding the availability of services to address children and young people's mental health and how it intends to improve the monitoring of both treatment type, effectiveness and relevant equalities data.

Following our record-breaking investments in Child and Adolescent Mental Health Services (CAMHS), the latest statistics show that 5,093 children and young people started treatment in the last quarter. Despite the progress made to date, we recognise that performance varies across Health Boards. We continue to direct tailored support to Boards not on track to meet the standard. This includes access to professional advice, ensuring Boards have robust improvement plans in place and are monitoring their implementation.

We expect NHS Boards and children's services partners to work towards implementing the standards in the CAMHS and Neurodevelopmental Specifications to ensure that support is available to Children and Young People within the GIRFEC model at the earliest possible stage - when children are unlikely to meet diagnostic criteria in any case.

In addition, funding was allocated to NHS Greater Glasgow and Clyde (GGC) to take forward, on behalf of the National e-Health Director Group, a programme of improvement of

CAMHS patient management systems. The aim of the improvement programme is to improve provision of CAMHS and Children and Young People's Neurodevelopmental services, infrastructure, applications and data improvement programme.

We recognise that not all children and young people need specialist services like CAMHS and that many can access more suitable support in their local community. This is why we are providing local authorities with £15 million per annum to fund community-based mental health supports for children, young people and their families. The services are focused on prevention and early intervention, and offer an alternative to CAMHS where appropriate by providing support for emotional distress, delivered in a community setting. Local authorities report that, between July and December 2022, more than 45,000 people accessed community-based mental health supports. Over 300 such supports are now available across Scotland.

Article 17

Right of children and young persons to social, legal economic protection

Recommendation 40: How the Scottish Government will ensure that all human rights of children, young people and their carers and /or families are protected and fully realised by any reforms of the Scottish care system.

Any reforms will be underpinned by UNCRC incorporation and make sure that the Scottish Government responds to the conclusions of The Promise.

Recommendation 41: To describe what the Scottish Government is doing to address the concerns regarding the availability of services to address children and young people's mental health and how it intends to improve the monitoring of both treatment type, effectiveness and relevant equalities data.

Please see response to recommendation 39.

Recommendation 42: What action the Scottish Government intends to take to bring the age of criminal responsibility into line with international consensus.

The Age of Criminal Responsibility (Scotland) Act 2019 places a duty on the Scottish Ministers to review the operation of the Act with a view to considering any potential change to the age of criminal responsibility. They must do so within 3 years of full commencement (from 17 December 2021).

The Advisory Group is supporting the review and is considering how the Act currently operates for children under 12, and what would be needed by way of systems, structural and practice change to support a higher age of criminal responsibility in Scotland. The Advisory Group will provide the Scottish Ministers with recommendations for a future age of criminal responsibility by December 2024. The Scottish Ministers then have a duty to report to the Scottish Parliament on the findings of the review and any potential proposals for change within 12 months of the end of the review period (i.e. by December 2025).

Recommendation 43: What action the Scottish Government is taking to ensure that no child is detained in appropriate settings such as prisons, and to ensure that there are appropriate community-based alternatives to secure care.

The Scottish Government is committed to keeping children out of the young offenders institutions and prison. For those children who are Scottish Ministers' responsibility and are subject to deprivation of liberty, then there is a presumption that they will be placed in secure accommodation. [The Children \(Care and Justice\) \(Scotland\) Bill](#) contains measures to end

the placing of under 18s in Young Offenders' Institutions in the future, with secure accommodation generally being used instead for all children where a detention is required.

Legal reforms are also proposed in the [Bail and Release from Custody Bill](#). This will emphasise more clearly that remand entailing a deprivation of liberty should be a last resort for all, including under 18s. The use of community alternatives has been promoted since 2011, as has the roll out of the multi-agency whole system approach to preventing offending by children. Local authorities continue to offer bespoke alternative packages for children such as movement restriction conditions with intensive support.

Recommendation 44: To explain what the Scottish Government is doing to address the lack of mental health support in YOI and Secure Care facilities in Scotland for children and young people who come into conflict with the law.

Mental health provision is currently available in the 4 independent secure accommodation centres in Scotland, the level of support available varies depending on the individual needs of the children in their care. Through the Reimagining Secure Care project led by the [Children and Young People's Centre for Justice](#), the Scottish Government (including both Justice and Health portfolios) is working to consider what additional provision and supports might be required for children with health needs in secure care in the future.

Recommendation 45: What measures the Scottish Government has implemented to achieve its interim and final statutory Child Poverty targets.

The Scottish Government has published two Tackling Child Poverty Delivery Plans, under the Child Poverty (Scotland) Act 2017, which set out wide ranging actions to drive progress toward the ambitious targets set. The first Plan, '[Every Child, Every Chance](#)' was published in March 2018, setting out action across 2018-22. The second Plan, '[Best Start, Bright Futures](#)' was published in March 2022, setting out action across 2022-26. The final Plan is due for publication by the end of March 2026 and will outline action for the period 2026-2031 inclusive.

The Scottish Government publishes annual child poverty progress reports setting out progress toward the statutory child poverty targets, and in implementing the relevant Tackling Child Poverty Delivery Plan for that period. The [latest annual report](#) was published in June 2023, covering the period 2022-23, with the [annual report published in June 2022](#) summarising key action taken across 2018-22 inclusive.

The fourth annual progress report, published 29 June 2022, highlights that all 68 actions within '[Every Child, Every Chance](#)' reported on previously have been delivered. This includes almost doubling funded hours for Early Learning and Childcare from 600 hours in 2018 to 1,140 hours as of August 2021, significantly increasing the value of support across the early years using five family payments, expanding universal Free School Meal provision to children in primaries 4 and 5, and extending concessionary travel to all under 22's in Scotland. Over the life of '[Every Child, Every Chance](#)', an estimated total of £8.5 billion has been invested in supporting low income households, of which £3.3 billion directly benefitted children.

The most recent annual progress report highlights that 40 of the 101 actions set out in '[Best Start, Bright Futures](#)', are either complete or delivering at scale with a further 39 in progress. The report also shows that in 2022-23 the Scottish Government invested an estimated £3 billion across a range of programmes targeted at low income households, with an estimated £1.25 billion directly benefitting children. Key actions taken over the reporting period included:

- Delivering the planned expansion and further increase in the value of the Scottish Child Payment from 14 November 2022 to £25 per eligible child per week, an increase of 150% in less than eight months.
- Investing around £84 million in Discretionary Housing Payments to support people with housing costs;
- Doubling investment in the Fuel Insecurity Fund to £20 million in 2022-23, with investment to be tripled to £30 million in 2023-24

[Modelling](#) estimates that 90,000 fewer children will live in relative and absolute poverty in 2023-24 as a result of Scottish Government policies, with poverty levels 9% lower than they would have otherwise been. This includes lifting 50,000 children out of relative poverty through investment in the Scottish Child Payment.

In the coming year the Scottish Government will continue to focus on strengthening the support available to families in order to break the cycle of child poverty in Scotland, with priorities outlined within the annual progress report. The [Programme for Government 2023-24](#) builds on these measures, including by setting out plans to expand access to funded childcare for 13,000 more children and families by the end of the current parliamentary session, in 2026.

Recommendation 46: What measures will the Scottish Government take to improve educational attainment in Scotland, including non-exam related measures.

The Scottish Government engages with national education agencies and with local government, to review attainment and to target support across the system.

Education Scotland collaborates with Scottish Government and key partners to ensure high quality, targeted support for learning, teaching and assessment across all curricular areas. Examples include the National Response to Improving Mathematics and the National Response to Improving Literacy.

The Scottish Government continues to support the expansion of curriculum opportunities and vocational and technical qualifications in the Senior Phase.

Since its inception in 2014, Developing the Young Workforce (DYW) has remained committed to supporting young people and harnessing employer leadership. The 20 employer-led DYW Regional Groups are fundamental in facilitating the engagement between employers and schools and to supporting young people transition into the world of work. The introduction of DYW School Coordinators has created increased opportunities for participation in work-based learning and helped to create parity of esteem between academic and vocational learning.

Through DYW the Scottish Government facilitates engagement between employers and schools, supporting young people to follow the pathway that best matches their abilities and aspirations, as they transition into the world of work. The employer led DYW network helps to create employer led experiences. The network also highlights the importance of vocational pathways and is helping to create parity of esteem between academic and vocational learning.

The Scottish Government continues to support schools and local authorities to improve the attainment of children and young people impacted by poverty through investment in the Scottish Attainment Challenge, with a particular focus on literacy and numeracy.

The Scottish Government is investing £1 billion in the Scottish Attainment Challenge in this parliamentary session. This includes Pupil Equity Funding for headteachers, direct funding for all 32 local authorities and additional funding to support care experienced children and young people's attainment and wellbeing. This investment further empowers headteachers and Local Government to improve outcomes for children and young people impacted by poverty.

All local authorities have set ambitious stretch aims for improvement that also include non-exam related measures.

The measures to improve educational attainment are tracked via the National Improvement Framework (NIF), which sets out the vision and priorities for Scottish education that have been agreed across the system. One of the key priorities of the NIF is placing the human rights and needs of every child and young person at the centre of education.

Recommendation 47: What measures the Scottish Government will take to protect children and young people from restraint and seclusion in health, education and social care settings.

The Scottish Government is committed to Keeping [The Promise](#) (Scotland's promise to care experienced children and young people is that they will grow up loved, safe and respected) and to working with key partners in the children's residential childcare sector to ensure that its aspirations are implemented.

The wellbeing and safety of children and young people is always paramount. The use of restraint should always be a last resort in exceptional circumstances when it is the only practicable means of securing the welfare or safety of the child or another person.

The Scottish Government considers that a blended framework of regulation, guidance, practice support and precise reporting is likely to best serve Scotland's children. That is why the Scottish Government is committed to working with partners to reduce, and where possible eliminate, the use of restraint in respect of children in care. Not only is the Scottish Government exploring definitions of restraint, in order to understand whether existing supports and tools for the residential care workforce remain fit for purpose, it is also seeking to build up a national picture of learning in order to understand developing and innovative local approaches and identify the key values, principles and enabling environments that have been required to successfully embed trauma informed care approaches which have eradicated the need for the use of restraint.

Recommendation 48: How proposed reforms of the Scottish education system and education bodies will advance the human rights of children and young people and how the Scottish Government plan to involve children and other rights holders in the development of any reforms to the Scottish education system.

The [National Discussion](#) on the future of Scottish education which concluded in December 2022 was a generational opportunity for children, young people, and those who support them to have their voices heard concerning the future direction of Scottish education. Human Rights were firmly grounded in the subsequent vision "All Learners in Scotland Matter" and the accompanying values and call to action.

The Independent Review of Qualifications and Assessment was designed to recognise the achievements of all of Scotland's learners. This was led by Professor Louise Hayward with the Review's final report being published in June 2023.

The Hayward Review involved a range of specific communities of interest which was designed to ensure that a representative voice of learners was embedded within the findings and recommendations. The inclusive and participatory approach recognised the diversity of Scotland's learners and communities with community groups specifically seeking to involve people whose voices are seldom heard in policy discussions.

The Review recognised that learners and those that support them should be at the centre of decisions regarding the reform of qualifications and assessment. The subsequent final report '[It's Our Future - Independent Review of Qualifications and Assessment](#)' highlighted a range of principles, the first of which was to "Recognise, value and promote the rights and achievements of every learner".

Scottish Government officials have been working in partnership with Young Scot, which is acting as co-ordinator on behalf of the other four key partner organisations (Children in Scotland, Children's Parliament, Intercultural Youth Scotland, and Scottish Youth Parliament) to help challenge previous thinking, with a view to creating a sustainable mechanism to support work with children and young people on an ongoing basis, and more firmly place learners at the centre of education policy.

The new approach is being co-designed with children and young people to provide an opportunity to not only ensure the voice of children and young people is front and centre of the reform program, but also to consider the wider implications of how best to embed the voice of children and young people into Education policy as a whole, in accordance with [Article 12 of the UNCRC](#)

The Scottish Government is committed to establishing new 'national education bodies'. These will be underpinned by values and governance that put learners at the centre, with their perspectives and rights at the heart of decision making. The plan to ensure a representative young person sits on the stakeholder recruitment panel for the new Chair of the Scottish Qualifications Authority (SQA) (and the proposed new Qualifications Body) and also through the implementation of a children and young people's participation mechanism which will be aligned with proposals that are being considered to establish a User Panel to primarily support the establishment of the new national education bodies, ensuring their design and ultimate operations are informed and influenced by the views and experiences of children and young people.