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EUROPEAN SOCIAL CHARTER

UK GOVERNMENT RESPONSE TO COMMENTS FROM THE
CHILDREN AND YOUNG PEOPLE'S COMMISSIONER
SCOTLAND ON THE UK'S 40TH EUROPEAN SOCIAL
CHARTER REPORT ON THE IMPLEMENTATION OF THE
EUROPEAN SOCIAL CHARTER

submitted by

THE GOVERNMENT OF THE UNITED KINGDOM

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CYCLE 2021

UK GOVERNMENT RESPONSE TO COMMENTS FROM THE CHILDREN AND YOUNG PEOPLE'S COMMISSIONER SCOTLAND ON THE UK'S 40TH EUROPEAN SOCIAL CHARTER REPORT

The UK Government welcomes the opportunity to respond to the recommendations and comments made by the Children and Young People's Commissioner Scotland ("the CYPCS") in response to the UK's 40th Report to the European Committee of Social Rights.

The Scottish Government's response to the recommendations and comments made by the CYPCS and the Scottish Human Rights Commission ("the SHRC") can be found in Annex A (page 6).

International Treaties

In response to the CYPCS comments regarding ratification of the following:

- the Protocol amending the European Social Charter
- the Revised European Social Charter of 1996
- the Additional Protocol (Collective Complaints)
- the Optional Protocol to the United Nations Convention on the Rights of the Child on a Communications Procedure (UNCRC),
- the Optional Protocol to the UN International Covenant on Economic, Social and Cultural Rights (ICESCR),

The UK Government periodically reviews its position on international legislative frameworks, however it currently has no plans to ratify the Protocol amending the European Social Charter, the Revised European Social Charter of 1996 or the Additional Protocol (Collective Complaints).

Governments that ratify the UN Convention on the Rights of the Child (UNCRC) can decide whether or not to ratify the Optional Protocols. The UK government has ratified the first two Optional Protocols on the Involvement of Children in Armed Conflict, and the Sale of Children, Child Prostitution & Child Pornography.

The UK has considered its position on accepting additional Optional Protocols to UN treaties, including UNCRC and ICESCR, and concluded that the benefits remain unclear, especially for the applicant. The UK Government has effective domestic laws and individuals can seek enforceable remedies in the domestic courts if they believe that their rights under the UNCRC and ICESCR have been breached. The UK is party to the European Convention on Human Rights, so people in the UK already have access to the application process to the European Court of Human Rights, after having exhausted the various domestic remedies within the UK.

Migrants and refugees

The general expectation of the UK Government is that migrants coming into the UK should be able to maintain and accommodate themselves without recourse to public funds. Only those who are normally or habitually resident in the UK are entitled to access benefits and social housing, reflecting the strength of their connection to the UK. Those eligible for public funds includes those with indefinite leave to remain, refugees, protected persons and those granted discretionary leave.

These restrictions are an important plank of an immigration policy designed to avoid excessive demands on the UK's finite resources, to protect public funds for long-term

residents with a strong connection to UK, and to reassure the public that controlled immigration brings real benefits to the UK.

Apart from specified exceptions set out in the UK's benefits regulations, persons subject to immigration control are not eligible for Child Benefit, including asylum seekers. However, pending the assessment of their claim to refugee status, asylum seekers and their child dependants are provided with basic accommodation and other assistance to cover their essential living needs, if they would otherwise be destitute.

If an asylum seeker is granted refugee status, they are able to claim Child Benefit and other mainstream benefits in the same way as a UK national, subject to the relevant eligibility conditions. Where a person who has been granted refugee status makes a claim for Child Benefit within three months of being informed that they have been recorded as a refugee, their Child Benefit claim is treated as having been made on the date they satisfied the conditions for refugee status.

Many of the wide-ranging COVID-19 measures the UK Government has put in place are available to migrants with no recourse to public funds, including the Coronavirus Job Retention Scheme, statutory sick pay and discretionary hardship payment for those who have to self-isolate. The Home Office published guidance and support for migrants affected by COVID-19 at <https://www.gov.uk/guidance/coronavirus-covid-19-get-support-if-youre-a-migrant-living-in-the-uk>

The UK Government also temporarily extended the eligibility criteria for free school meals in England to support some families with no recourse to public funds, in recognition of the difficulties they may be facing during these unique circumstances. More information, including eligibility details can be found here <https://www.gov.uk/government/publications/covid-19-free-school-meals-guidance>.

Local authorities can provide basic safety net support, regardless of immigration status, if it is established that there is a genuine care need that does not arise solely from destitution, for example, where there are community care needs, migrants with serious health problems or family cases where the wellbeing of a child is in question.

Individuals whose lawful basis of stay in the UK is based on their family life or human rights, and those who have been granted leave on the Hong Kong British National (Overseas) route, can apply to have their No Recourse to Public Funds condition lifted by making a 'change of conditions' application, if there has been a change in their financial circumstances

Welfare reforms and reducing child poverty

Since 6 April 2017, families are able to claim support via the child element in Tax Credits or additional amounts in Universal Credit for up to two children, and there may be further entitlement for other children if they were born before 6 April 2017 or if an exception applies. The UK government recognised that some claimants are not able to make the same choices about the number of children in their family; that is why exceptions have been put in place to protect certain groups and these are as follows:

Any child in a household who is:

- Adopted, when they would otherwise be in Local Authority care
- Children living long term with friends or family, who would otherwise be at risk of entering the care system
- A child born to a young person under-16, who is living with their parents or carers.

Third and subsequent children who are:

- Additional children in a multiple birth
- Likely to have been born as a result of non-consensual conception (which for this purpose includes rape or where the claimant was in a controlling or coercive relationship with the child's other biological parent at the time of conception).

There are no circumstances in which a claimant has been refused an exception where they meet the conditions and have provided the relevant supporting documentation.

When a Universal Credit claimant(s) declares that they have a child or children, they are automatically made aware of the exceptions, including for non-consensual conception, and asked to declare if any of the children are likely to meet any of these criteria. For those claiming Child Tax Credit, information regarding the policy and its exceptions is provided in annual claim renewal packs and at in-year finalisation, when customers move over to Universal Credit. Further information can be found on GOV.UK.

There is no exception for new family formation (i.e. where two families get together) this would be perceived as unfair by those families with three or more children who do stay together and receive support of Child Tax Credits or Universal Credit in respect of two children, whereas other families who have formed more recently would potentially receive support for more than two children.

Justification for the policy change

The UK Government's long-term ambition remains to stabilise its economy and build a welfare system that works for those who use it as well as those who pay for it. A benefits structure adjusting automatically to family size is unsustainable. Previously, an out-of-work family with six children could receive up to £17,225 in tax credits alone. Families supporting themselves solely through work do not see their incomes automatically rise in the same way when they have more children.

The UK Government feels it is proportionate to provide support through Child Tax Credit and Universal Credit for a maximum of two children.

Statistics from the Office for National Statistics show that in 2020, of all families with dependent children, 85% had a maximum of two in their family. For lone parent families, this was 83%. In 2019/20, there were 700,000 fewer people including 100,000 fewer children living in absolute poverty before housing costs compared with 2010. At 12%, rates of combined low income and material deprivation for children were lower than 2010.

Children born before the policy was introduced are not affected by the policy change, claimants will continue to receive support for these children regardless of when they make a claim to Universal Credit. Child Benefit continues to be paid for all children plus the additional element in Child Tax Credit or Universal Credit for any disabled children. Additional help for eligible childcare costs through Working Tax Credit and Universal Credit are also available regardless of the total number of children in the household.

The UK Government continues to take action to help families with the cost of living through a range of policies which affect children and families across the tax and benefits system and public services. These have included raising the national living wage, reducing the Universal Credit earnings taper, raising the income tax personal allowance, introducing tax-free childcare and 30 hours a week of free childcare for 3 and 4 year olds.

The latest data shows that, in 2019/20, a child growing up in a home where all adults were working was around 5 times less likely to be in absolute poverty (before housing costs) than a child in a household where nobody works.

The UK Government has committed to releasing statistical data related to the policy to provide support for a maximum of 2 children annually on GOV.UK, last published 15 July 2021.

Two Child Policy Judicial Review

On 9 July 2021, the Supreme Court handed down its judgment in the judicial review of the Two Child Policy. The court found the two child policy lawful and not in breach of the European Convention on Human Rights.

Measures introduced during the pandemic

Over the past 18 months, the UK Government's priority has been to help families withstand the financial hardships brought about by the pandemic through a package worth a total of £352bn in 2020/21 and 2021/22 that protects jobs, keeps businesses afloat and helps families get by. This funding includes an additional £7.4bn of Covid-related welfare policy measures in 2020/21 and £4.3bn in 2021/22 to provide additional support for those most in need. Measures include the temporary £20 increase in the Universal Credit and Working Tax Credit standard allowance and an increase in Local Housing Allowance to the 30th percentile of 2020/21 local market rents. In March 2021, the UK Government announced the uplift to UC would be extended by a further six months in line with the path to reopening the economy. The UK Government also announced similar support for eligible Working Tax Credits claimants; because of the way the Working Tax Credits system operates, the UK Government has provided this through a one-off £500 payment in April. Universal Credit has provided a vital safety net for six million people during the pandemic, and the temporary uplift is part of a package of measures put in place that will last well beyond the end of the roadmap.

As the UK looks towards economic recovery, the UK Government will be focusing its efforts on supporting people into, and to progress in work wherever possible through its £33bn Plan for Jobs programme. This approach is based on clear evidence about the importance of employment, particularly where it is full-time, in substantially reducing the risks of poverty. It is also reflected in the Department for Work and Pension's Outcome Delivery Plan published on 15 July 2021, which places addressing poverty through enabling progression in the workforce and increasing financial resilience at the heart of the Department's mission.

Local Authorities funding and support for children and families living in poverty

Responsibility for Local Welfare Assistance was delegated to Local Authorities in England in 2013/14 and Councils have powers to determine the right Local Welfare Assistance schemes for their area. The funding Councils receive from the UK Government recognises the resources councils need to meet their pressures and maintain current service levels.

Through the Covid Winter Grant Scheme, now the Covid Local Support Grant, a total of £429m in funding will go to Local Authorities in England between 1 December 2020 and 30 September 2021 to provide additional support to families and individuals struggling to afford the basics due to the pandemic.

As it has done throughout the last 18 months, the UK Government will continue to assess how best to target taxpayers' money on support for the most vulnerable beyond the pandemic.

Measuring Poverty

Poverty is a complex subject and most stakeholders agree that a range of measures is needed. The Department for Work and Pensions therefore tracks and monitors many different aspects of poverty, including our four statutory measures of relative income, absolute income, combined low income and material deprivation and persistent poverty. We also assess the root causes of poverty and long-term impacts. The UK Government prefers to look at absolute poverty over relative poverty, as relative poverty can provide counter-intuitive results. Relative poverty is likely to fall during recessions, due to falling median incomes. The absolute poverty line is fixed in real terms, so will only ever worsen if people are getting poorer and only ever improve if people are getting richer.

- In 2019/20 (the last year for which data is available) there were 1.3m fewer people in absolute low income, after housing costs (AHC), than in 2009/10.
 - 300,000 fewer children in absolute low income, after housing costs
 - 200,000 fewer pensioners in absolute low income, after housing costs
 - 900,000 fewer working-age adults in absolute low income, after housing costs

Food Insecurity

Food insecurity is an issue the UK Government takes extremely seriously. This is why we introduced internationally used food security questions to the Family Resources Survey in 2019/20, giving a better picture of the lived experience of families. The new data shows that 8% of households are classed as food insecure, with 4% of households in low food security and 4% in very low household food security. Subsequent editions of the survey will also ask questions specifically on food bank use.

As referenced above, the Covid Winter Grant Scheme and Covid Local Support Grant has provided between 1 December 2020 and 30 September 2021 additional support to families and individuals in particular with food and essential bills due to the pandemic. To further target food insecurity, the value of Healthy Start Vouchers, which help those who are pregnant or have children under the age of four to access healthy food, have been increased from £3.10 to £4.25.

The Holiday Activities and Food programme has also been expanded across England this year. The £220m programme provides free healthy food and enriching activities to disadvantaged children.

Annex A: Scottish Government response to comments and recommendations made by the Children and Young People’s Commissioner Scotland and the Scottish Human Rights Commission

The Scottish Government welcomes the opportunity to respond to the recommendations and comments made by the Children and Young People’s Commissioner Scotland (“the CYPCS”) in response to the UK’s 40th Report to the European Committee of Social Rights, and would like to take this opportunity to similarly respond to the recommendations made by the Scottish Human Rights Commission (“the SHRC”) in response to the same report.

The issues raised in the recommendations made by the CYPCS and the SHRC are known to the Scottish Government and are the subject of active consideration. In responding to these recommendations, the Scottish Government wishes to direct the Committee to the publicly-available documents listed below under the relevant headings. Where necessary, further information has also been provided below.

August 2021

The right to protection of health, waiting times, physical health during the COVID-19 pandemic, and mental health (recommendations made by the CYPCS)

- Public Health Priorities (2018)¹
- A Healthier Future: Scotland's diet and healthy weight delivery plan (2018)²
- Physical Activity Delivery Plan (2018)³
- Alcohol Framework and Tobacco Control Action Plan (2018)⁴
- Improving the Lives of Scotland’s Gypsy/Travellers (2019)⁵
- Child Health Programme – Public Health Scotland⁶ (which includes surveillance of child weight and growth⁷)
- Scottish Health Survey: 2021 update (2021)⁸
- Poverty and Income Inequality in Scotland 2017-20 (2021)⁹
- Standards for the Delivery of tier 2 and tier 3 Weight Management Services for Children and Young People in Scotland (2019)¹⁰
- Food Insecurity and Poverty - United Nations: Scottish Government response (2021)¹¹
- A Healthier Future: Type 2 Diabetes prevention, Early detection and Intervention: Framework (2018)¹²
- Exploring the Reported Worsening of Mental Wellbeing among Adolescent Girls in Scotland (2019)¹³

¹ <https://www.gov.scot/publications/scotlands-public-health-priorities/>

² <https://www.gov.scot/publications/healthier-future-scotlands-diet-healthy-weight-delivery-plan/>

³ <https://www.gov.scot/publications/active-scotland-delivery-plan/>

⁴ <https://www.gov.scot/publications/raising-scotlands-tobacco-free-generation-tobacco-control-action-plan-2018/>

⁵ <https://www.gov.scot/publications/improving-lives-scotlands-gypsy-travellers-2019-2021/>

⁶ <https://beta.isdscotland.org/topics/child-health/child-health-programme/>

⁷ <https://beta.isdscotland.org/topics/child-health/child-weight-and-growth/>

⁸ <https://www.gov.scot/publications/scottish-health-survey-2021-update/>

⁹ <https://data.gov.scot/poverty/>

¹⁰ <http://www.healthscotland.scot/media/2658/standards-for-the-delivery-of-tier-2-and-tier-3-weight-management-services-for-children-and-young-people-in-scotland-english-oct2019.pdf>

¹¹ <https://www.gov.scot/publications/scottish-government-response-un-food-insecurity-poverty/>

¹² <https://www.gov.scot/publications/healthier-future-framework-prevention-early-detection-early-intervention-type-2/>

¹³ <https://www.gov.scot/publications/exploring-reported-worsening-mental-wellbeing-adolescent-girls-scotland/>

- Schools Adolescent Lifestyle and Substance Use Survey (SALSUS): mental wellbeing reports (2015 and 2018)¹⁴.
- Community Mental Health and Wellbeing Supports and Services: Framework (2021)¹⁵
- Child and Adolescent Mental Health Services (CAMHS) Waiting Times (2021)¹⁶
- Child And Adolescent Mental Health Services: national service specification¹⁷
- Coronavirus (COVID-19): Mental Health - Transition and Recovery Plan (2020)¹⁸
- Admission to Adult Mental Health Wards for Under 18's - Adaptation for Scotland: guidance (2020)¹⁹
- Children's advocacy guidance (2014)²⁰
- Scottish Independent Advocacy Alliance: Information Hub²¹.

Food Standards Scotland are developing innovative, online dietary guidance for consumers, which shows how they can take small, pragmatic steps towards a healthier diet. *Eat Well, Your Way* is founded on the Eatwell Guide, the agreed healthy balanced diet for the UK population. It includes a behaviour change component, based on techniques developed at NHS Education for Scotland. The resource is aimed at low income consumers, including families, and takes into context the multitude of factors which impact on people's food and drink choices. The resource has been developed with consumers and our partners in public health across Scotland and has been extensively tested and reviewed. *Eat Well, Your Way* will be published online in September 2021, with a campaign launch in late 2021/early 2022.

Children's mental health services and waiting times (recommendations made by the SHRC)

- Coronavirus (COVID-19): Mental Health - Transition and Recovery Plan (2020)²²
- National Review of Eating Disorder Services in Scotland: Review Specification (2020)²³
- Aye Feel – Young Scot (Website Campaign)²⁴
- YoungMinds - Mental Health Charity For Children And Young People (Website Campaign)²⁵
- Children and Young People's Mental Health and Wellbeing - A Professional Learning Resource For All School Staff (Website Guidance)²⁶
- Child and Adolescent Mental Health Services (CAMHS) Waiting Times (2021)²⁷

¹⁴ <https://www.gov.scot/collections/scottish-schools-adolescent-lifestyle-and-substance-use-survey-salsus/>

¹⁵ <https://www.gov.scot/publications/community-mental-health-wellbeing-supports-services-framework/>

¹⁶ <https://www.publichealthscotland.scot/publications/child-and-adolescent-mental-health-services-camhs-waiting-times/child-and-adolescent-mental-health-services-camhs-waiting-times-quarter-ending-31-march-2021/>

¹⁷ <https://www.gov.scot/publications/child-adolescent-mental-health-services-camhs-nhs-scotland-national-service-specification/pages/1/>

¹⁸ <https://www.gov.scot/publications/mental-health-scotlands-transition-recovery/>

¹⁹ <https://www.gov.scot/publications/best-practice-guideline-admission-adult-mental-health-wards-under-18s-mental-health-problems-adaptation-scotland/pages/1/>

²⁰ <https://www.gov.scot/publications/childrens-advocacy-guidance/>

²¹ <https://www.siaa.org.uk/information-hub/>

²² <https://www.gov.scot/publications/mental-health-scotlands-transition-recovery/>

²³ <https://www.gov.scot/publications/national-review-of-eating-disorder-services-in-scotland-review-specification/>

²⁴ <https://young.scot/campaigns/national/aye-feel>

²⁵ <https://www.youngminds.org.uk/>

²⁶ <https://www.cypmh.co.uk/>

²⁷ <https://www.publichealthscotland.scot/publications/child-and-adolescent-mental-health-services-camhs-waiting-times/child-and-adolescent-mental-health-services-camhs-waiting-times-quarter-ending-31-march-2021/>

- Admission to Adult Mental Health Wards for Under 18's - Adaptation for Scotland: guidance (2020)²⁸
- Community Mental Health and Wellbeing Supports and Services: Framework (2021)²⁹.

On 16 February, the Cabinet Secretary for Finance announced £120 million for a Mental Health Recovery and Renewal Fund, which takes our total spend on mental health in 2021-22 in excess of £1.2 billion. This is in addition to the £142 million that we had already allocated to mental health in the 2021-22 budget, making a total of £262 million for mental health in the coming financial year. This year NHS Board allocations of £34.1 million have already been agreed to deliver:

- Improved community Child and Adolescent Mental Health Services (“CAMHS”);
- Expansion of community CAMHS from age 18 up to the age of 25 years old for targeted groups and for those who wish it; and
- Clearance of any waiting list backlogs for CAMHS and Psychological Therapies (recognising that this may take up to two years).

As part of the Transition and Recovery Plan, we have established the Children and Young People’s Mental Health and Wellbeing Joint Delivery Board³⁰. In partnership with COSLA and made up of key stakeholders, this Board will action the work previously progressed by the Children and Young People’s Mental Health and Wellbeing Programme Board which drew to a close at the end of 2020. The Board will oversee reform across relevant areas of education, health, community and children’s services and wider areas that impact on the mental health and wellbeing of children and young people. The voices and experiences of children, young people and their families will continue to be central to this work.

Child mortality rates (recommendations made by the CYPSC) and premature death rates (recommendation made by the SHRC)

- National Hub for Reviewing and Learning from the Deaths of Children and Young People³¹
- The Best Start: A five-year forward plan for maternity and neonatal care in Scotland (2017)³²
- Report on Expert Review of Provision of Mental Health Services at HMP YOI Polmont (2019)³³.

The National Guidance for Child Protection is being revised to ensure it is consistent with the legislative and policy framework and current practice developments. The first version of the

²⁸ <https://www.gov.scot/publications/best-practice-guideline-admission-adult-mental-health-wards-under-18s-mental-health-problems-adaptation-scotland/pages/1/>

²⁹ <https://www.gov.scot/publications/community-mental-health-wellbeing-supports-services-framework/>

³⁰ <https://www.gov.scot/groups/children-and-young-peoples-mental-health-and-wellbeing-joint-delivery-board/>

³¹ https://www.healthcareimprovementscotland.org/our_work/governance_and_assurance/deaths_of_children_reviews.aspx

³² <https://www.gov.scot/publications/best-start-five-year-forward-plan-maternity-neonatal-care-scotland/>

³³ https://www.prisonssinspectoratescotland.gov.uk/sites/default/files/publication_files/Report%20on%20Expert%20Review%20of%20Provision%20of%20Mental%20Health%20Services%20at%20HMP%20YOI%20Polmont%20-%20Final%20Version.pdf

National Guidance for Child Protection was published in 2014³⁴. The revised guidance is due to be published the end of August 2021.

A National Hub for reviewing and learning from the deaths of children and young people has been set up with the aim of reducing the number of child and young people's deaths in Scotland. A child death review system will be implemented in Scotland from 1 October 2021 to ensure reviews take place into the deaths of all live born children up to their 18th birthday, and up to their 26th birthday for those in receipt of aftercare or continuing care at the time of their death.³⁵

Life expectancy across the country and different population groups (recommendation made by the SHRC)

- Scotland's public health priorities³⁶
- Public Health Scotland website³⁷
- Re-mobilise, Recover, Re-design: the framework for NHS Scotland³⁸.

Increasing healthy life expectancy and reducing health inequalities across Scotland remains a clear ambition for this Government. The pandemic has both exacerbated existing health inequalities and heightened awareness of the need to protect those at risk. There is a range of action being taken across SG to address the underlying causes of health inequalities. In 2018, we published *Scotland's public Health Priorities* and major action plans that are enabling us to tackle some of the most significant health challenges we face. We also established Public Health Scotland with their core purpose to improve and protect population health, using the best data, intelligence and research.

NHS and social care institutions also have a core role to play in reducing health inequalities in Scotland. Our *Re-mobilise, Recover, Re-design: the framework for NHS Scotland* requires NHS Boards to ensure that addressing inequalities is at the core of their plans. By becoming 'Anchor' institutions, NHS services can support their local community through their spending, investment, employment and use of physical assets.

To that effect, we are working with COSLA, the NHS, Universities, Colleges, the housing sector and Police Scotland to consider wider roles they can play in their local economies. We will support health and social care providers to become anchor institutions and work with local anchors as part of the roll out of Community Wealth Building³⁹. A core part of our work is to support people and communities to make change that is important to them. Equity and inclusivity will be at the heart of our place-based approaches ensuring lived-experience is central to our work. This is part of our wider work to drive improvement in the health and wellbeing of a population within a defined local geography and will help us to tackle the root

³⁴ <https://www.gov.scot/publications/national-guidance-child-protection-scotland/>

³⁵ https://www.healthcareimprovementscotland.org/our_work/governance_and_assurance/deaths_of_children_reviews.aspx

³⁶ <https://www.gov.scot/publications/scotlands-public-health-priorities/>

³⁷ <https://publichealthreform.scot/public-health-scotland/about-public-health-scotland/public-health-scotland-overview>

³⁸ <https://www.gov.scot/publications/re-mobilise-recover-re-design-framework-nhs-scotland/>

³⁹ <https://www.gov.scot/policies/cities-regions/community-wealth-building/>

causes of health inequalities, increase healthy life expectancy and increase the wellbeing of everyone living in Scotland.

Adult mental health outcomes (recommendation made by the SHRC)

- Suicide Prevention Action Plan: Every Life Matters (2018)⁴⁰.

On 18 June 2021, the Minister for Mental Wellbeing & Social Care announced the Scottish Government's commitment to publish a new, long term suicide prevention strategy. It will take a cross-government approach to ensure the Government continues to take all actions it can to reduce the number of people who die by suicide. The new strategy will be published in September 2022, supported by a delivery plan. The Minister also confirmed that the current Action Plan will be extended for a further year, up to the point a successor is published. As well as ensuring continuity, this will enable us to sustain and enhance the pace and focus on Suicide Prevention we have developed with partners to date.

Availability of and transition to community-based mental health (recommendation made by the SHRC)

- The Right Help at the Right Time in the Right Place: Strategy for the Learning Provision for Children and Young People with Complex Additional Support Needs 2017-2026 (2021)⁴¹.

Sexual and reproductive health-care services for women and girls made (recommendation made by the SHRC)

- Equally Safe: Scotland's strategy to eradicate violence against women (2018)⁴²
- Reset and Rebuild - sexual health and blood borne virus services: recovery plan (2021)⁴³.

The Sexual Health and Blood Borne Virus Framework will be updated in 2022 with input from a wide range of stakeholders.

Maternal Services (recommendation made by the SHRC)

- Women's Health Plan: A Plan for 2021-2024 (2021)⁴⁴.

The Women's Health Plan underpins actions to improve women's health inequalities by raising awareness around women's health, improving access to health care and reducing inequalities in health outcomes for girls and women, both for sex-specific conditions and in women's general health. The Plan sets out 66 actions to ensure all women enjoy the best possible healthcare throughout their lives. It takes on board the real life experiences of women who have given their feedback on what is important to them.

⁴⁰ <https://www.gov.scot/publications/scotlands-suicide-prevention-action-plan-life-matters/>

⁴¹ <https://www.gov.scot/publications/right-help-right-time-right-place-scotlands-ten-year-strategy-learning-provision-children-young-people-complex-additional-support-needs/>

⁴² <https://www.gov.scot/publications/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/>

⁴³ <https://www.gov.scot/publications/reset-rebuild-recovery-plan-sexual-health-blood-borne-virus-services/>

⁴⁴ <https://www.gov.scot/publications/womens-health-plan/>

The Plan states 'The Women's Health Plan aims to take an intersectional approach which recognises that many women and girls in Scotland will face multiple, and often overlapping, disadvantages and barriers to accessing good healthcare.' Our ambition is for a Scotland where health outcomes are equitable across the population, so that all women enjoy the best possible health throughout their lives.

Obesity (recommendations made by the SHRC) and child obesity rates (recommendations made by the CYPCS)

- A Healthier Future: Scotland's diet and healthy weight delivery plan (2018)⁴⁵
- A Healthier Future: type 2 Diabetes prevention, early detection and intervention: framework (2018)⁴⁶
- Child Health Programme – Public Health Scotland⁴⁷ (which includes surveillance of child weight and growth⁴⁸)
- Standards for the Delivery of tier 2 and tier 3 Weight Management Services for Children and Young People in Scotland (2019)⁴⁹.

Food Standards Scotland (FSS) collects and publishes a national picture of food consumption and purchase, and has an extensive dietary surveillance programme used to monitor progress towards the Scottish Dietary Goals. It will monitor trends and changes in dietary intakes of the population in Scotland using Intake24 within the Scottish Health Survey (SHeS), starting in 2021. As it builds our population-level picture of dietary intakes in Scotland, it will also use Intake24 to look more closely at under-represented groups, including children and young people aged 11+, and explore how different dietary behaviours are linked and impact each other. Alongside this, FSS will continue to use consumer purchase data to provide an up-to-date indication of behaviour changes and the retail landscape. We do not currently look at children's diets in this way, however, we could expand the programme. There are no plans to look specifically at diet in young children, infants or pregnant women.

The three principal national data sources used to monitor children's BMI in Scotland are:

- the Scottish Health Survey (SHeS)⁵⁰
- the Growing Up in Scotland study (GUS)⁵¹ and
- the Child Health Surveillance Programme – School (CHSP-S)⁵².

The Parent Club guides parents on various aspects of cooking, including as a joint activity with children and eating healthily on a budget.⁵³ Community Food and Health (Scotland)

⁴⁵ <https://www.gov.scot/publications/healthier-future-scotlands-diet-healthy-weight-delivery-plan/>

⁴⁶ <https://www.gov.scot/publications/healthier-future-framework-prevention-early-detection-early-intervention-type-2/>

⁴⁷ <https://beta.isdscotland.org/topics/child-health/child-health-programme/>

⁴⁸ <https://beta.isdscotland.org/topics/child-health/child-weight-and-growth/>

⁴⁹ <http://www.healthscotland.scot/media/2658/standards-for-the-delivery-of-tier-2-and-tier-3-weight-management-services-for-children-and-young-people-in-scotland-english-oct2019.pdf>

⁵⁰ <https://www.gov.scot/collections/scottish-health-survey/>

⁵¹ <https://growingupinScotland.org.uk/>

⁵² <https://www.isdscotland.org/Health-Topics/Child-Health/Publications/2019-12-10/2019-12-10-P1-BMI-Statistics-Publication-Summary.pdf>

⁵³ <https://www.parentclub.scot/topics/food-eating?age=5>

provides capacity building, resource and evaluation support to local community food initiatives.⁵⁴

The Scottish Government look forward to introducing a Good Food Nation Bill as soon as is possible in this Parliamentary term.

Food insecurity (recommendations made by the CYPCS)

- Social Justice Strategy – Tackling Food Insecurity (Policy)⁵⁵
- Poverty and Income Inequality in Scotland 2017-20 (2021)⁵⁶
- School Healthy Living Survey Statistics: 2020 (2020)⁵⁷
- Education (Scotland) Act 1980⁵⁸
- Food Insecurity and Poverty - United Nations: Scottish Government response (2021)⁵⁹
- Every child, every chance: tackling child poverty delivery plan 2018-2022 (2018)⁶⁰
- Guidance on Free School meals in Scotland (2021)⁶¹
- (COVID-19): Guidance on Summer Activities for Children and Young People (2021)⁶².

Since 2016, the Scottish Government has been measuring food insecurity with the Scottish Health Survey (SHeS), using 3 questions from the Food Insecurity Experience Scale. Further measurement was introduced in to the 2019/20 Family Resources Survey (FRS). Most recent food security statistics can be found in the Poverty and Income Inequality in Scotland 2017-20 publication⁶³. Food Standards Scotland joined with the UK Food Standards Agency for a consumer tracker during the pandemic, which touched on worries about food affordability⁶⁴.

The Scottish Government takes a human rights approach to food insecurity which prioritises prevention by increasing incomes through work, social security and by reducing the cost of living. Where financial hardship does occur we promote a cash-first response, including through our Scottish Welfare Fund and other discretionary local supports. Targeted measures are in place to support those at greatest risk.

All children in Primary 1 to Primary 4 are offered free school lunches. Primary 5 will be offered the same from January 2022. We are working with our local authority partners to extend this offer to Primary 6 and Primary 7 by August 2022. The Scottish Government's Summer Offer provided targeted activities over Summer 2021 for at-risk children and young people, with food and wider family support integrated. Free school meal alternatives will be offered to eligible children and young people over the 2021/22 school holidays.⁶⁵

⁵⁴ <https://www.communityfoodandhealth.org.uk/>

⁵⁵ <https://www.gov.scot/policies/poverty-and-social-justice/fair-food-fund/>

⁵⁶ <https://data.gov.scot/poverty/>

⁵⁷ <https://www.gov.scot/publications/school-healthy-living-survey-statistics-2020/>

⁵⁸ <https://www.legislation.gov.uk/ukpga/1980/44/section/53A>

⁵⁹ <https://www.gov.scot/publications/scottish-government-response-un-food-insecurity-poverty/>

⁶⁰ <https://www.gov.scot/publications/child-chance-tackling-child-poverty-delivery-plan-2018-22/>

⁶¹ <https://www.mygov.scot/school-meals>

⁶² <https://www.gov.scot/publications/coronavirus-covid-19-guidance-on-summer-activities-for-children-and-young-people/>

⁶³ <https://data.gov.scot/poverty/>

⁶⁴ <https://www.foodstandards.gov.scot/publications-and-research/publications/covid-19-consumer-tracker-wave-8>

⁶⁵ <https://www.mygov.scot/school-meals>

The right to benefit from social welfare services and disabled children's access to social welfare services (recommendations made by the CYPCS)

- Care Inspectorate Corporate Parenting Plan 2021-2023⁶⁶
- Care Inspectorate: Corporate Parenting Report 2017-2020⁶⁷
- How We Involve Young People: UNCRC Report 2017-2020⁶⁸
- Involving You! How the Care Inspectorate involves people who experience care and support in our work 2018-2021⁶⁹
- The Promise: The Plan 21-24 (2021)⁷⁰
- The Promise: Change Programme ONE (2021)⁷¹
- Guidance on Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007 (2010)⁷²
- The Keys to Life - Improving Quality of Life for People with Learning Disabilities (2013)⁷³
- Learning/Intellectual Disability and Autism Towards Transformation (2021)⁷⁴
- Supporting Disabled Children, Young People and their Families: Guidance (2019)⁷⁵
- The Looked After Children (Scotland) Regulations 2009⁷⁶
- Children's Hearings Scotland supports new national advocacy scheme (2020)⁷⁷
- Guidance on Part 11 (Continuing Care) of the Children and Young People (Scotland) Act 2014 (2016)⁷⁸
- Staying together and connected: getting it right for sisters and brothers: national practice guidance (2021)⁷⁹
- Children's Rights and Inclusion Strategy (2020)⁸⁰
- Our Hearings, Our Voice (2021)⁸¹
- Supporting young people leaving care in Scotland: regulations and guidance (2004)⁸²
- The Continuing Care (Scotland) Order 2015⁸³

⁶⁶ <https://www.careinspectorate.com/images/documents/6039/Corporate%20Parenting%20Plan%202021-23.pdf>

⁶⁷ [https://www.careinspectorate.com/images/documents/6036/Corporate%20Parenting%20Report%20\(Children%20and%20Young%20People\)%202017-20.pdf](https://www.careinspectorate.com/images/documents/6036/Corporate%20Parenting%20Report%20(Children%20and%20Young%20People)%202017-20.pdf)

⁶⁸ <https://www.careinspectorate.com/images/documents/5771/UNCRC%20report.pdf>

⁶⁹ <https://www.careinspectorate.com/images/documents/5027/Involving%20You!.pdf>

⁷⁰ <https://thepromise.scot/plan-21-24-pdf-spread.pdf>

⁷¹ <https://thepromise.scot/change-programme-one-pdf.pdf>

⁷² <https://www.gov.scot/publications/guidance-looked-children-scotland-regulations-2009-adoption-children-scotland-act-2007/>

⁷³ <https://www.gov.scot/publications/keys-life-improving-quality-life-people-learning-disabilities/>

⁷⁴ <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/03/learning-intellectual-disability-autism-towards-transformation/documents/learning-intellectual-disability-autism-towards-transformation/learning-intellectual-disability-autism-towards-transformation/govscot%3Adocument/learning-intellectual-disability-autism-towards-transformation.pdf>

⁷⁵ <https://www.gov.scot/publications/supporting-disabled-children-young-people-and-their-families/>

⁷⁶ <https://www.legislation.gov.uk/ssi/2009/210/contents/made>

⁷⁷ <https://www.chscotland.gov.uk/about-us/latest-news/children-s-hearings-scotland-supports-new-national-advocacy-scheme/>

⁷⁸ <https://www.gov.scot/publications/guidance-part-11-continuing-care-children-young-people-scotland-act/pages/2/>

⁷⁹ <https://www.gov.scot/publications/staying-together-connected-getting-right-sisters-brothers-national-practice-guidance/>

⁸⁰ <https://www.chscotland.gov.uk/resources/reports-and-planning/children-s-rights-and-inclusion-strategy/>

⁸¹ <https://www.ohov.co.uk/>

⁸² <https://www.gov.scot/publications/supporting-young-people-leaving-care-scotland-regulations-guidance-services-young/pages/3/>

⁸³ <https://www.legislation.gov.uk/ssi/2015/158/contents/made>

- Staying put Scotland: providing care leavers with connectedness and belonging⁸⁴
- United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill⁸⁵
- Decision-making: children and young people's participation⁸⁶
- Introducing Children's Rights: a ten-minute training tool⁸⁷
- Making Children's Human Rights Real: #CabinetTakeover2020⁸⁸
- The UN Convention on the Rights of the Child: a guide for children and young people⁸⁹.

The Care Inspectorate Corporate Parenting Plan 2021-23 was developed by their Corporate Parenting Group, including young inspection volunteers. The Plan describes the Care Inspectorate's approach to meeting their statutory duties as corporate parents, and how they support the actions of parents, families, and carers to deliver positive change for our children and young people. The Plan sets out six commitments and accompanying action plan, informed by the UNCRC Report 2020 and complimenting their Involving You! 2018-21 Strategy. The six commitments are:

- We will strive to meet the needs of our children and young people and promote their rights.
- We will listen to our children and young people and we will learn how their experiences of the "care system" can best shape our approach to scrutiny, engagement and improvement to help improve the lives of others.
- We will continue to inspect different services and partnerships and report on how well they work together. We will help services share what works well and learn from what needs to improve, to help make sure that our children and young people get the right support at the right time.
- When one of our children and young people makes a complaint about the care they receive, we will take that complaint seriously. We will respond in a timely, thorough and proportionate way. We will always provide feedback to the person who made the complaint in a way that they will understand.
- We will improve opportunities for our children and young people to develop skills, experience, and confidence to achieve their employment and career ambitions.
- We will work with other corporate parents to make sure that together we can do our best for our children and young people.

Social security (recommendations made by the CYPCS)

- Tackling child poverty: third year progress report 2020-2021 (2021)⁹⁰
- Every child, Every Chance: Tackling Child Poverty Delivery Plan 2018-2022 (2018)⁹¹

⁸⁴ <https://www.gov.scot/publications/staying-put-scotland-providing-care-leavers-connectness-belonging/pages/5/>

⁸⁵ <https://www.parliament.scot/bills-and-laws/bills/united-nations-convention-on-the-rights-of-the-child-incorporation-scotland-bill>

⁸⁶ <https://www.gov.scot/publications/decision-making-children-and-young-peoples-participation/pages/overview/>

⁸⁷ <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2018/06/un-convention-on-the-rights-of-the-child-training-tool/documents/uncrc-training-pdf/uncrc-training-pdf/govscot%3Adocument/UNCRC%20training.pdf>

⁸⁸ <https://www.gov.scot/publications/un-convention-rights-child-guide-children-young-people-2/ps://www.childrensparliament.org.uk/our-work/cabinettakeover-2020/>

⁸⁹ <https://www.gov.scot/publications/un-convention-rights-child-guide-children-young-people-2/>

⁹⁰ <https://www.gov.scot/publications/tackling-child-poverty-third-year-progress-report-2020-2021/>

⁹¹ <https://www.gov.scot/publications/child-chance-tackling-child-poverty-delivery-plan-2018-22/>

- “Enhanced summer offer for all children” - Scottish Government News (2021)⁹²
- Coronavirus (COVID-19): Guidance on Tackling Financial Insecurity over Winter (2020)⁹³
- Scottish Child Payment – Scottish Government Guidance (2021)⁹⁴
- Help with living costs - Scottish Welfare Fund (2021) (Website Guidance)⁹⁵
- Scottish Welfare Fund website⁹⁶.

In the three years since the Scottish Government had the legislative powers to introduce social security benefits, we have introduced 11 benefits, including seven brand new benefits supporting the people of Scotland. When fully operational, our new public service – Social Security Scotland – will administer 17 benefits in total. In its summary of work published in the Scottish Government 2019/20 Annual Audit Report (April 2021)⁹⁷, Audit Scotland found that “the Scottish Government continued to make good progress in implementing the devolved benefits in line with its plans” (p 26).

Over the last year – as the nation grappled with the pandemic – we introduced four new benefits, including the “game-changing” Scottish Child Payment, which is a key part of our national mission to eradicate child poverty and provides vital financial support to low income families. We have also introduced the pilot for our first application based disability benefit, Child Disability Payment. COVID-19 has had a major impact on the Scottish Government, Social Security Scotland and our delivery partners in the UK Government and the Department for Work and Pensions.

The transfer of benefits to the new Scottish system is a joint programme with the UK Government. We are committed to managing this in a way that is safe and secure and will make sure that people will continue to get the right money, at the right time and to the right place.

The Scottish Government continue to support people and families on low incomes through the provision of Crisis Grants and Community Care Grants from the Scottish Welfare Fund. Crisis Grants can help people facing a disaster or emergency situation, whilst Community Care Grants can help people to establish or maintain a home, or support families facing exceptional pressure. Last year, we increased the Scottish Welfare Fund budget by £22 million to ensure there was help available for those that needed it. Official Statistics show that last year local authorities spent £49 million supporting people through the Welfare Fund. We have committed a further £35.5 million in 2021/22 for awards and local authorities have carried over approximately £9.8 million from last year, giving an estimated budget of £45.3 million available for awards this year. We have also committed to a review of the purpose and operation of the Fund to ensure it works as well as possible in all parts of the country. This will be initiated within the first parliamentary year.

⁹² <https://www.gov.scot/news/enhanced-summer-offer-for-all-children/>

⁹³ <https://www.gov.scot/publications/coronavirus-covid-19-guidance-on-tackling-financial-insecurity-over-winter/>

⁹⁴ <https://www.mygov.scot/scottish-child-payment>

⁹⁵ <https://www.mygov.scot/scottish-welfare-fund>

⁹⁶ <https://www.mygov.scot/scottish-welfare-fund>

⁹⁷ https://www.audit-scotland.gov.uk/uploads/docs/report/2021/aar_1920_scottish_government.pdf

Adequacy of assistance (recommendations made by the SHRC)

- Scottish Budget 2021 to 2022⁹⁸
- Scottish Income Tax: 2021-2022⁹⁹
- Taxes (gov.scot)¹⁰⁰.

Poverty in Scotland (recommendation made by the SHRC)

- Every Child, Every Chance: Tackling Child Poverty Delivery Plan 2018-2022 (2018)¹⁰¹
- Coronavirus (COVID-19): Guidance on Tackling Financial Insecurity over Winter (2020)¹⁰²
- Social Security Scotland Client Diversity and Equalities Analysis from June to November 2020 (2021)¹⁰³
- Impact of Withdrawing Emergency Benefit Measures (2020)¹⁰⁴
- Cyber Resilient Scotland: Strategic Framework (2021)¹⁰⁵
- Coronavirus (COVID-19): Support for Continuity in Learning (2020)¹⁰⁶
- Tackling Poverty and Building a Fairer Country - Debate: Social Justice Secretary's speech - 8 June 2021¹⁰⁷.

The right to benefit from social and medical assistance (asylum) (recommendation made by the CYPES)

- New Scots Refugee Integration Strategy 2018 -2022 (2018)¹⁰⁸
- Ending Destitution Together Strategy (2021)¹⁰⁹
- Migrants' Rights and Entitlements to Local Authority Services and Support (2019)¹¹⁰
- NHS Inform – Healthcare for Refugees and Asylum Seekers, NHS Guidance (2021)¹¹¹.

The National Guidance for Child Protection is being revised to ensure it is consistent with the legislative and policy framework and current practice developments. The first version of the National Guidance for Child Protection was published in 2014¹¹². The revised guidance is due to be published the end of August 2021.

The Scottish Guardianship Service, funded by the Scottish Government since 2010, provides additional support to vulnerable unaccompanied asylum-seeking who have been

⁹⁸ <https://www.gov.scot/publications/scottish-budget-2021-22/>

⁹⁹ <https://www.gov.scot/publications/scottish-income-tax-2021-2022/>

¹⁰⁰ <https://www.gov.scot/policies/taxes/>

¹⁰¹ <https://www.gov.scot/publications/child-chance-tackling-child-poverty-delivery-plan-2018-22/>

¹⁰² <https://www.gov.scot/publications/coronavirus-covid-19-guidance-on-tackling-financial-insecurity-over-winter/>

¹⁰³ <https://www.gov.scot/publications/social-security-scotland-client-diversity-and-equalities-analysis-to-november-2020/>

¹⁰⁴ <https://www.gov.scot/publications/impact-of-withdrawing-emergency-benefit-measures/>

¹⁰⁵ <https://www.gov.scot/publications/strategic-framework-cyber-resilient-scotland/>

¹⁰⁶ <https://www.gov.scot/publications/coronavirus-covid-19-support-for-continuity-in-learning/pages/additional-support-for-learning/>

¹⁰⁷ <https://www.gov.scot/publications/tackling-poverty-debate-social-justice-secretarys-speech/>

¹⁰⁸ <https://www.gov.scot/publications/new-scots-refugee-integration-strategy-2018-2022/>

¹⁰⁹ <https://www.gov.scot/publications/ending-destitution-together/>

¹¹⁰ <http://www.migrationscotland.org.uk/uploads/Migrants%20Rights%20and%20Entitlements%20Guidance.pdf>

¹¹¹ <https://www.nhsinform.scot/care-support-and-rights/health-rights/access/healthcare-for-refugees-and-asylum-seekers>

¹¹² <https://www.gov.scot/publications/national-guidance-child-protection-scotland/>

victim or are at risk of being trafficked. The service provides Guardians to these children and young people with their recovery and to navigate the complex legal and asylum processes. Section 11 of the 2015 Act places a duty on Scottish Ministers to provide an Independent Child Trafficking Guardian for unaccompanied asylum seeking children, where there is reason to believe they might have been or are at risk of being trafficked, and for whom no-one in the UK has parental rights and responsibilities. Work is ongoing to launch the new Independent Child Trafficking Guardians service and in the meantime the Scottish Government will continue to fund the Scottish Guardianship Service to provide a guardian to trafficked and unaccompanied children across Scotland.

Homelessness and housing support (recommendations made by the CYPSCS)

- Housing to 2040 Route Map (2021)¹¹³
- Ending Homelessness Together: Update Action Plan October 2020 (2020)¹¹⁴
- Meeting the Best Interests of Children Experiencing Homelessness (2011)¹¹⁵
- A Way Home Scotland Coalition (Website Campaign)¹¹⁶
- The Care Leavers Homelessness Prevention Pathway (2019)¹¹⁷
- Improving Housing Outcomes for Women and Children in the Social Housing Sector Experiencing Domestic Abuse (2020)¹¹⁸.
- Youth Homelessness Prevention Pathway (2021)¹¹⁹
- Housing to 2040 Route Map (2021)¹²⁰.

Healthy environment (recommendations made by CPYCS) and the prevention of environmental pollution and educative measures about environmental problems (recommendation made by the SHRC)

- Securing a green recovery on a path to net zero: climate change plan 2018–2032 - update (2020)¹²¹
- Big Climate Conversation: report of findings (2020)¹²²
- Climate Ready Scotland: climate change adaptation programme 2019-2024 (2019)¹²³
- Just Transition Commission¹²⁴
- Climate Change - Net Zero Nation: draft public engagement strategy – consultation (2020)¹²⁵

¹¹³ <https://www.gov.scot/publications/housing-2040-2/pages/5/>

¹¹⁴ <https://www.gov.scot/publications/ending-homelessness-together-updated-action-plan-october-2020/>

¹¹⁵ <https://www.gov.scot/publications/best-interests-of-children-facing-homelessness/>

¹¹⁶ <https://www.awayhomescotland.org/>

¹¹⁷ <https://www.rocktrust.org/wp-content/uploads/2015/09/Youth-Homelessness-Prevention-Pathway-Care-Leavers.pdf>

¹¹⁸ <https://womensaid.scot/wp-content/uploads/2020/12/Improving-Housing-Outcomes-for-Women-and-Children-Experiencing-Domestic-Abuse-Report.pdf>

¹¹⁹ <https://www.rocktrust.org/wp-content/uploads/2021/03/YHPP-4-All-YP-Digital-Version-FINAL.pdf>

¹²⁰ <https://www.gov.scot/publications/housing-2040-2/pages/5/>

¹²¹ <https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/>

¹²² <https://www.gov.scot/publications/report-findings-big-climate-conversation/pages/6/>

¹²³ <https://www.gov.scot/publications/climate-ready-scotland-second-scottish-climate-change-adaptation-programme-2019-2024/pages/6/>

¹²⁴ <https://www.gov.scot/groups/just-transition-commission/>

¹²⁵ <https://www.gov.scot/publications/net-zero-nation-draft-public-engagement-strategy-climate-change/>

- Scotland's Climate Assembly: Recommendations for Action Report (2021)¹²⁶
- Cleaner Air for Scotland 2: Towards a Better Place for Everyone (2021)¹²⁷.

Play, rest, and leisure for children (recommendation made by the CYPCS)

The Scottish Government made a first 100 days commitment to “agree first allocation of funding to councils for refurbishment of play parks” as part of £60m funding over this Parliamentary term to support local authorities in renewing play parks so that all children have access to quality play in their own community¹²⁸.

The use of “mosquito” devices to deter children from gathering (recommendation made by the CYPCS)

- Children and young people's voices matter: progress report (2019)¹²⁹.

The Scottish Government has consistently opposed the use of mosquito devices and remains committed to upholding the rights of children and young people. We have been very proactive in taking action to minimise the impact that these devices have on children and young people. We have lobbied the UK Government and Health and Safety Executive to take action on these devices, and note that the UK Government has no plans to introduce a ban, licence or restrict the use of these devices and that the Health and Safety Executive has no plans to undertake any research to gather evidence on the impact of these devices. Scottish Ministers wrote in March 2021 to the UK Government, Welsh Office and Northern Ireland Administrations to seek their current position in relation to mosquito devices.

We have written to a wide range of organisations in Scotland clarifying the Scottish Government’s position opposing their use. In response, all Scottish local authorities confirmed that they are not using these devices. In addition, the national rail company ScotRail also confirmed that mosquito devices were not in use at any stations across their network, and both Police Scotland and the British Transport Police did not use mosquito devices as a way of tackling antisocial behaviour. We have also written to organisations representing the business sectors in terms of highlighting the Scottish Government position on the devices.

We believe that the Antisocial Behaviour etc. (Scotland) Act 2004 currently provides sufficient measures to help police and local authorities deal with antisocial behaviour wherever it arises and there is no justification for the use of mosquito devices. It is currently unknown how many of these devices are in use in Scotland but there is no evidence of widespread use. We wrote in April 2021 to Police Scotland and local authorities to gather more evidence on the use and prevalence of these devices in Scotland. We will consider any additional evidence gathered and will continue to consider what we can legitimately do within the scope of our powers which is appropriate, justified and proportionate to prohibit or limit the use of these devices.

¹²⁶ <https://www.climateassembly.scot/sites/default/files/inline-files/Scotland%27s%20Climate%20Assembly%20Recommendations%20for%20Action.WebVersion%20%282%29.pdf>

¹²⁷ <https://www.gov.scot/publications/cleaner-air-scotland-2-towards-better-place-everyone/>

¹²⁸ https://issuu.com/hinksbrandwise/docs/04_28c_snp_100_days_210x297mm?mode=window

¹²⁹ <https://www.gov.scot/publications/children-young-peoples-voices-matter-progress-report-actions-agreed-cabinet-meeting-children-young-people-march-2018/pages/7/>

Children deprived of liberty and the use of restraint and seclusion in certain settings (recommendations made by the CYPCS)

- A Rights-Respecting Approach to Justice for Children and Young People: Scotland's Vision and Priorities (2021)¹³⁰
- Working with Children in Conflict with the Law 2021: Standards (2021)¹³¹
- Secure Care Pathway and Standards Scotland (2020)¹³²
- Youth and Criminal Justice in Scotland – The Young Persons Journey (website)¹³³
- Expert Review Provision of Mental Health Services in Polmont YOI (2019)¹³⁴
- The Care Review Conclusions and Reports (2020)¹³⁵
- The Children (Equal Protection from Assault) Scotland Act 2019¹³⁶
- Included, Engaged and Involved Part 1: Promoting and Managing School Attendance (2019)¹³⁷
- Included, Engaged and Involved Part 2: Preventing and Managing School Exclusions (2017)¹³⁸
- Stop and Search in Scotland: What You need to Know - A Guide for Children and Young People (2017)¹³⁹
- Code of Practice on the use of Stop and Search (2012)¹⁴⁰
- Journey Through Justice: an interactive guide through the youth justice system for children and young people¹⁴¹
- Youth & Criminal Justice in Scotland: the Young Person's Journey¹⁴²
- Secure Care Pathways and Standards Scotland¹⁴³
- The Care Review Conclusions and Reports¹⁴⁴
- Holding Safely (2005)¹⁴⁵.

Young people in secure care will only be physically restrained by trained care staff when:

- They are behaving in an unsafe or dangerous way,
- There is a serious risk of harm to themselves or another person, and

¹³⁰ <https://www.gov.scot/publications/rights-respecting-approach-justice-children-young-people-scotlands-vision-priorities/>

¹³¹ <https://www.gov.scot/publications/standards-those-working-children-conflict-law-2021/>

¹³² <https://www.gov.scot/publications/secure-care-pathway-standards-scotland/>

¹³³ <https://content.iriss.org.uk/youthjustice/index.html>

¹³⁴ <https://www.prisoninspectorscotland.gov.uk/publications/report-expert-review-provision-mental-health-services-hmp-yoi-polmont>

¹³⁵ <https://www.carereview.scot/conclusions/independent-care-review-reports/>

¹³⁶ <https://www.legislation.gov.uk/asp/2019/16/enacted>

¹³⁷ <https://www.gov.scot/publications/included-engaged-involved-part-1-positive-approach-promotion-management-attendance-scottish-schools/#:~:text=Included%2C%20engaged%20and%20involved%20part%201%3A%20promoting%20and,of%20good%20attendance%20and%20the%20management%20of%20attendance.>

¹³⁸ <https://www.gov.scot/publications/included-engaged-involved-part-2-positive-approach-preventing-managing-school/documents/>

¹³⁹ <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2017/05/stop-search-scotland-need-know-guide-children-young-people/documents/00517814-pdf/00517814-pdf/govscot%3Adocument>

¹⁴⁰ <https://www.gov.uk/government/publications/code-of-practice-for-the-exercise-of-stop-and-search-powers>

¹⁴¹ <https://content.iriss.org.uk/charged/index.html>

¹⁴² <https://content.iriss.org.uk/youthjustice/>

¹⁴³ <https://www.securecarestandards.com/>

¹⁴⁴ <https://www.carereview.scot/conclusions/independent-care-review-reports/>

¹⁴⁵ <https://pure.strath.ac.uk/ws/portalfiles/portal/30583826/00413007.pdf>

- There is no other effective way of keeping the young person or others safe.

If it is necessary to physically restrain a young person they will only be restrained for the shortest time possible, using as little force as necessary, no mechanical restraints are used in secure care. The Holding Safely guidance was amended in 2013 to encourage all secure services to develop clear plans for reducing the use of physical restraint.

After any physical restraint and when the young person is ready, care staff will speak to the young person about the restraint taking account of the young person's view to try and better understand why it happened and minimise the need for restraint in the future. The young person will receive help to contact an advocacy worker (e.g. a children's rights officer or Who Cares? Scotland worker) or to make a complaint, if they wish.

Segregation is never used as punishment and should only be used as a last resort to:

- Prevent the young person from significantly injuring themselves or others.
- Prevent the young person from absconding from the building.
- Prevent significant damage to property or calm a potentially disruptive group situation.

Single separation should continue for no longer than 3 hours in 24, and for no more than 2 separate occasions in 24 hours. Statute requires that every use of this practice is recorded and places strict limits on its implementation. During the period of segregation the young person will be monitored at least every 15 minute intervals.

The Care Inspectorate, the independent scrutiny and improvement body for care services in Scotland inspect residential and secure care homes at least once each year, and restraint / separation procedures are part of that inspection process. The Care Inspectorate gathers information on all incidents of when a child is restrained and reviews selected cases to ensure staff carrying out the restraint are fully trained and best practices are followed.

Healthcare in places of detention (recommendations made by the SHRC)

- Policing - complaints handling, investigations and misconduct issues: independent review (2020)¹⁴⁶
- Complaints handling, investigations and misconduct issues in relation to policing - final report: joint Scottish Government and Crown Office response (2021)¹⁴⁷
- Complaints, investigations and misconduct in policing - implementation of recommendations: thematic progress report (2021)¹⁴⁸
- Coronavirus (COVID-19): mental health - transition and recovery plan⁽²⁰²⁰⁾¹⁴⁹
- Scottish Prison Service Covid-19 Information Hub¹⁵⁰
- Understanding the social care support needs of Scotland's prison population (2021)¹⁵¹

¹⁴⁶ <https://www.gov.scot/publications/independent-review-complaints-handling-investigations-misconduct-issues-relation-policing/pages/34/>

¹⁴⁷ <https://www.gov.scot/publications/joint-scottish-government-crown-office-response-final-report-complaints-handling-investigations-misconduct-issues-relation-policing-scotland/>

¹⁴⁸ <https://www.gov.scot/publications/complaints-investigations-misconduct-policing-implementation-recommendations-thematic-progress-report-june-2021/>

¹⁴⁹ <https://www.gov.scot/publications/mental-health-scotlands-transition-recovery/>

¹⁵⁰ <https://www.sps.gov.uk/Corporate/Information/covid19/covid-19-information-hub.aspx>

¹⁵¹ <https://www.gov.scot/publications/understanding-social-care-support-needs-scotlands-prison-population/>

- Vision for Young People in Custody¹⁵²
- Response of the United Kingdom Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2019)¹⁵³
- Justice for children and young people - a rights-respecting approach: vision and priorities (2021)¹⁵⁴
- Report on Expert Review of Provision of Mental Health Services at HMP YOI Polmont (2019)¹⁵⁵
- Secure Care Pathway and Standards Scotland (2020)¹⁵⁶.

The Scottish Government and Crown Office commissioned Dame Elish Angiolini to lead the independent review of complaints handling, investigations and misconduct issues in relation to policing in Scotland¹⁵⁷. In responding to the Review, Ministers confirmed their intention to accept the majority of Dame Elish's recommendations¹⁵⁸, which provide a platform for bold reform of the complaints, investigations and misconduct frameworks. We will continue to work closely with partners (including Police Scotland, SPA, PIRC and Crown Office) to deliver that, building on the progress of recent times and the continued strength of public confidence in policing.

In keeping with the strong theme of transparency running through Dame Elish's Review, the Scottish Government published the first thematic report on progress on 24 June 2021¹⁵⁹. The report highlights our commitment to consult on legislative proposals in advance of bringing forward primary legislation and showcases the significant steps partners have taken to implement Dame Elish's recommendations. This includes the establishment of a Strategic Oversight Board and Independent Review Group by Police Scotland, to scrutinise the delivery of diversity, equality and inclusion workstreams to address some of the recommendations.

The Scottish Government recognises the need for, and the importance of, ensuring there is sufficient mental health support for those in police custody or who Police Scotland engage when in mental health crisis. Dame Elish's final review proposed a broad and holistic review of the whole-systems approach to mental health. HMICS is considering the scope and parameters of what will be a wide-reaching and substantial piece of work. This may include a phased approach to the work and will require engagement with stakeholders, and partnership working with other scrutiny bodies with experience in the inspection of health and mental health services.

¹⁵² <http://www.sps.gov.uk/Corporate/Publications/Publication-7393.aspx>

¹⁵³ <https://rm.coe.int/16809fdebe>

¹⁵⁴ <https://www.gov.scot/publications/rights-respecting-approach-justice-children-young-people-scotlands-vision-priorities/>

¹⁵⁵ https://www.prisoninspectatescotland.gov.uk/sites/default/files/publication_files/Report%20on%20Expert%20Review%20of%20Provision%20of%20Mental%20Health%20Services%20at%20HMP%20YOI%20Polmont%20-%20Final%20Version.pdf

¹⁵⁶ <https://www.gov.scot/publications/secure-care-pathway-standards-scotland/>

¹⁵⁷ <https://www.gov.scot/publications/independent-review-complaints-handling-investigations-misconduct-issues-relation-policing/pages/34/>

¹⁵⁸ <https://www.gov.scot/publications/joint-scottish-government-crown-office-response-final-report-complaints-handling-investigations-misconduct-issues-relation-policing-scotland/>

¹⁵⁹ <https://www.gov.scot/publications/complaints-investigations-misconduct-policing-implementation-recommendations-thematic-progress-report-june-2021/>

*Mental Health – Scotland’s Transition and Recovery Plan*¹⁶⁰ prioritises modernising pathways into mental health services from primary and unscheduled care services. The Scottish Government is working with the Redesign of Urgent Care Programme to improve the integration of physical and mental health within the urgent care setting. We are working alongside partners from other sectors, to ensure that support that is easy to access, quick and responsive at the earliest possible point. This will ensure that people who present with unscheduled care needs find our various systems easy to access and are supported by a clearer referral pathway to the right intervention. The intention is to build on the significant progress already made toward providing an unscheduled care response, this will include embedding mental health unscheduled care pathways for adults, children and young people.

The wellbeing, safety and human rights of all those who live and work in our prisons has and will remain a key priority for the duration of this pandemic and beyond. The now former Cabinet Secretary for Justice met previously with the Scottish Human Rights Commission (SHRC) and HM Chief Inspector of Prisons (HMCIPS) to discuss these matters directly. The Scottish Prison Service (SPS) wrote directly to the SHRC in November 2020 in response to their concerns around the availability of monitoring data to provide the available information and clarify the operational reasons why some of the data requested is unavailable.

The Scottish Prison Service maintain a dedicated and regularly updated web page which contains a range of information in relation to the SPS’s response to Covid¹⁶¹. This includes a daily update of details of confirmed cases of Covid and the number of individuals who are self-isolating, and a weekly update with details of cases in each establishment. The SPS website also provides updated guidance for the families of prisoners and other individuals on the operation of visits and other contact.

Independent inspection and monitoring of conditions and treatment in our prisons has been maintained by HM Chief Inspector of Prisons for Scotland during the pandemic. This has been enabled through a remote monitoring framework and on-site liaison visits, which is based on human rights principles consistent with Council of Europe’s Committee for the Statement of Principles for COVID-19 in places of detention, and WHO guidance on scrutiny. On-site inspection liaison visits were temporarily paused on 5 January 2021 due to current national restrictions, but independent remote monitoring remained in place and a blended model that includes some on-site inspection liaison visits was adopted on 8 February 2021. Liaison visits have now been undertaken at all Scottish prison establishments and all the currently published reports are available on the HMIPS website. These reports provide an independent examination of the response to Covid, and the impact on prisoners and staff in each prison. HM Chief Inspector of Prisons for Scotland is expected to resume a full inspection regime from October 2021.

The Scottish Government is delivering a health and social care needs assessment of Scotland’s prison population via several externally commissioned projects, with each looking at different domains of need: social care, substance use, mental health, and physical health. This will including the needs of sub-populations such as older prisoners and the health needs of women in custody. The first phase of the needs assessment, *Understanding the*

¹⁶⁰ <https://www.gov.scot/publications/mental-health-scotlands-transition-recovery/>

¹⁶¹ <https://www.sps.gov.uk/Corporate/Information/covid19/covid-19-information-hub.aspx>

social care support needs of Scotland's prison population, was published in January 2021¹⁶². The next phase of the needs assessment will be delivered by summer 2022.

The Scottish Government and Scottish Prison Service's transformative plans for a new female custodial estate will deliver a new national prison on the current site of HMP&YOI Cornton Vale and two Community Custody Units in Glasgow and Dundee over the course of 2022. This will include support and services for women informed by a new Strategy for Women in Custody. The new approach will be gender-specific and trauma-informed, serving the specific needs of women in custody including mental health support.

The National Prison Care Network (NPrCN) has a key role to drive service improvements which strive for national consistency in health and social care delivery. The NPrCN works in partnership, across traditional organisational and geographical boundaries to realise a programme of work that supports the delivery of healthcare in a prison setting.

The SPS published a revised vision for young people in custody in March 2021¹⁶³. All young people entering secure accommodation receive a full health check carried out by a qualified nurse.

Child-centred support for children affected by sexual abuse (recommendations made by the CYPCS)

- National Action Plan to Prevent and Tackle Child Sexual Exploitation 2016-2020 Delivery Report (2020)¹⁶⁴
- National Guidance for Child Protection in Scotland 2021.

The National Guidance for Child Protection is being revised to ensure it is consistent with the legislative and policy framework and current practice developments. The first version of the National Guidance for Child Protection was published in 2014¹⁶⁵. The revised guidance is due to be published the end of August 2021.

The Scottish Government has made a commitment to ensure that every child victim/witness will have access to a Bairns' Hoose by 2025.

COVID-19 and the protection of frontline workers (recommendations made by the SHRC)

Ensuring our essential social care workforce, and Scotland's unpaid carers, have access to the PPE they need in order to be safe during a pandemic event is absolutely crucial. We have announced we will continue to provide free PPE to social care and primary care until 31 March 2022.

We are consulting with the adult social care sector and Health and Social Care Partnerships Chief Officers on the longer term operation of regional PPE hubs. Following anecdotal concerns of ill-fitting PPE at the start of the pandemic, the Scottish Government has

¹⁶² <https://www.gov.scot/publications/understanding-social-care-support-needs-scotlands-prison-population/>

¹⁶³ <http://www.sps.gov.uk/Corporate/Publications/Publication-7393.aspx>

¹⁶⁴ <https://www.gov.scot/publications/national-action-plan-prevent-tackle-child-sexual-exploitation-final-delivery-report/documents/>

¹⁶⁵ <https://www.gov.scot/publications/national-guidance-child-protection-scotland/>

established a PPE Innovation Working Group with partners across Scotland to oversee the implementation of positive changes to the provision of PPE in Scotland. It is expected this Group will understand this issue further through considering user experience of PPE and considering gender, ethnicity and disability issues.

In line with findings of the recent Audit Scotland report, officials are working across the public sector including with the NHS to learn the lessons and take them into future PPE procurement.

The Scottish Covid Inquiry Aims and Principles will be published on 24 August for stakeholder engagement. Scottish Ministers expect the inquiry to take a person-centred, human rights based approach to ensure that every person and organisation taking part can meaningfully participate, be treated fairly and be empowered to take part in the inquiry.

The impact of COVID-19 on the operation of social services (recommendations made by the SHRC)

- Coronavirus (COVID-19): financial support arrangements for social care providers¹⁶⁶
- A National Care Service for Scotland: Consultation (2021)¹⁶⁷.

Financial support has been provided to the Social Care Sector in order to support the remobilisation of services and to ensure safety is considered a priority at all times.

Many of the recommendations in the SHRC's Monitoring of Social Care report have been addressed by action taken by the Scottish Government, local authorities and Health and Social Care Partnerships since the report was produced, including a national wellbeing hub and helpline for social care workers¹⁶⁸. The Independent Review of Adult Social Care was established to develop proposals for improving and reforming social care in light of people's experience of care, including during the pandemic. The report from the Independent Review of Adult Social Care was published on 3 February¹⁶⁹. The Scottish Government is committed to delivering the recommendations of the review and has published a consultation paper on the creation of a National Care Service to deliver a person-centred and human rights-based approach to care across Scotland¹⁷⁰.

Public/civil society participation in the establishment and maintenance of social services (recommendation made by the SHRC)

- A National Care Service for Scotland: Consultation (2021)¹⁷¹.

The consultation paper on the National Care Service and the development of Community Health and Social Care Boards provides details about the Scottish Government's proposals for ensuring participation in decisions about social care.

¹⁶⁶ <https://www.gov.scot/publications/coronavirus-covid-19-financial-support-arrangements-for-social-care-providers/>

¹⁶⁷ <https://www.gov.scot/publications/national-care-service-scotland-consultation/>

¹⁶⁸ <https://wellbeinghub.scot/>

¹⁶⁹ <https://www.gov.scot/publications/independent-review-adult-social-care-scotland/>

¹⁷⁰ <https://www.gov.scot/publications/national-care-service-scotland-consultation/pages/1/>

¹⁷¹ <https://www.gov.scot/publications/national-care-service-scotland-consultation/>

The discharge from Scottish hospitals to care homes and the implementation of effective supervisory system of social services (recommendations made by the SHRC)

National Records of Scotland (NRS) takes very seriously its important and independent role in providing robust, independent and accurate statistics on a wide range of issues. The wide range of analyses published by NRS is made available on their website. As a government body, it is appropriate for NRS to carefully consider all requests for information.

The Scottish Government has already addressed the concerns raised by the Mental Welfare Commission. The Minister for Mental Wellbeing and Social Care wrote to NHS and local authority Chief Executives, along with Health & Social Care Partnership Chief Officers, to remind them of their responsibilities and to ensure proper legal authority is in place for all hospital discharges. Scottish Government officials continue to engage with the Mental Welfare Commission and Chief Officers to ensure best practice.

The Scottish Government has asked Public Health Scotland to develop additional reason codes for people delayed in hospital under the adults with incapacity legislation, to provide further detail on where the delays are occurring, and why. The Minister for Mental Wellbeing and Social Care has also written to NHS Boards, local authorities and Integration Authorities to remind them of their legal responsibilities.

Test and Protect Strategy (recommendation made by the SHRC)

- Coronavirus (COVID-19): Scotland's testing strategy - adapting to the pandemic (2020)¹⁷²
- Coronavirus (COVID-19): Clinical Review of Testing Strategy October (2020)¹⁷³
- Coronavirus (COVID-19): Testing Strategy: Update - March (2021)¹⁷⁴
- Coronavirus (COVID-19): Scotland's Strategic Framework update June (2021)¹⁷⁵.

Vaccine prioritisation (recommendation made by the SHRC)

- Coronavirus (COVID-19): immunisation programme for people with learning disabilities¹⁷⁶
- Scotland's Wellbeing: The Impact of COVID-19 (2020)¹⁷⁷
- Public Health Scotland Covid-19 Daily Dashboard¹⁷⁸
- Protecting Scotland, Renewing Scotland: The Government's Programme for Scotland 2020-2021 (2020)¹⁷⁹

¹⁷² <https://www.gov.scot/publications/coronavirus-covid-19-scotlands-testing-strategy-adapting-pandemic/>

¹⁷³ <https://www.gov.scot/publications/coronavirus-covid-19-review-of-testing-strategy-october-2020/>

¹⁷⁴ <https://www.gov.scot/publications/scotlands-testing-strategy-update-march-2021/>

¹⁷⁵ <https://www.gov.scot/publications/coronavirus-covid-19-scotlands-strategic-framework-update-june-2021/>

¹⁷⁶ <https://www.gov.scot/publications/coronavirus-covid-19-immunisation-programme-for-people-with-learning-disabilities/>

¹⁷⁷ https://nationalperformance.gov.scot/sites/default/files/documents/NPF_Impact_of_COVID-19_December_2020.pdf

¹⁷⁸ https://public.tableau.com/app/profile/phs.covid.19/viz/COVID-19DailyDashboard_15960160643010/Overview%20%20https://publichealthscotland.scot/media/8500/21-07-21-covid19-publication_report.pdf

¹⁷⁹ <https://www.gov.scot/publications/protecting-scotland-renewing-scotland-governments-programme-scotland-2020-2021/>

- Expert Reference Group on COVID-19 and Ethnicity (2020)¹⁸⁰
- Vaccine Inclusion: Reducing Inequalities One Vaccine at a Time¹⁸¹
- Priority groups for coronavirus (COVID-19) vaccination: advice from the JCVI (2020)¹⁸²
- JCVI final statement on phase 2 of the COVID-19 vaccination programme (2021)¹⁸³
- JCVI advises inviting people on Learning Disability Register for vaccine (2021)¹⁸⁴
- Coronavirus (COVID-19): vaccine deployment plan: update - July 2021¹⁸⁵.

The Policy Panel is part of the wider Flu Vaccine Covid Vaccine (FVCV) Programme structure, sitting within the Policy Work stream of the vaccination programme. The panel consider new requests for prioritisation within the programme that fall outwith JCVI advice. Since the operationalisation of the COVID-19 vaccine programme in December 2020, the panel have received an increasing number of questions and requests for further clarification of what is contained within each vaccine priority cohort (as developed by the Joint Committee on Vaccination and Immunisation (JCVI) and a growing number of requests for groups to be included within certain cohorts.

The complexity and sensitivity around underlying health conditions (cohorts 4 and 6) is a reason to formalise this approach and ensure that wider policy interests, human rights, equalities and four nations considerations are part of the discussion. This panel will assist the Scottish Government as it prepares for work in Tranche 2 in order to support any additional requests for prioritisation put forward to the Scottish Government.

We know that the COVID-19 pandemic has produced disproportionate impacts across a range of outcomes for a number of groups, including households on low incomes or in poverty, low paid workers, children and young people, older people, disabled people, minority ethnic groups and women. Overlap between these groups mean that impacts may be magnified for some people.

The Scottish vaccination programme approach is guided by JCVI advice on prevention of severe illness and mortality and the functioning of health and social care systems. This prioritises people primarily because of their age. The Scottish Government has continued to roll out the vaccination programme in line with advice from the JCVI, which advises all four nations across the UK on vaccine deployment and prioritisation. This approach to prioritisation of the vaccination programme is supported by all 4 UK Nation Chief Medical Officers, in line with the advice from the JCVI, who agreed that this approach is most likely to achieve the initial aims of reducing mortality (death) from COVID-19 and maintaining our health and social care systems. Following further advice from the JCVI, group 6 was also expanded to include people experiencing homelessness and rough sleeping. We also

¹⁸⁰ <https://www.gov.scot/groups/expert-reference-group-on-covid-19-and-ethnicity/>

¹⁸¹ <https://mk0voluntaryheaenrww.kinstacdn.com/wp-content/uploads/2021/04/Final-Report-Vaccine-Inclusion-Reducing-inequalities-one-Vaccine-at-a-time.pdf>

¹⁸² <https://www.gov.uk/government/publications/priority-groups-for-coronavirus-covid-19-vaccination-advice-from-the-jcvi-30-december-2020>

¹⁸³ <https://www.gov.uk/government/publications/priority-groups-for-phase-2-of-the-coronavirus-covid-19-vaccination-programme-advice-from-the-jcvi/jcvi-final-statement-on-phase-2-of-the-covid-19-vaccination-programme-13-april-2021>

¹⁸⁴ <https://www.gov.uk/government/news/jcvi-advises-inviting-people-on-learning-disability-register-for-vaccine>

¹⁸⁵ <https://www.gov.scot/publications/coronavirus-covid-19-vaccine-deployment-plan-update---july-2021/pages/making-sure-the-vaccination-programme-is-inclusive/>

expanded the definition of unpaid carer to ensure we were capturing all adults with caring responsibilities, and those aged 16 and 17.

The Scottish vaccination programme followed JCVI specific advice on learning disability and we worked with partners to put in place a suitable tailored delivery model to support the vaccination of those with learning disabilities. It is vital our current COVID-19 vaccination programme is designed to reach everyone and no-one is left behind, to protect individuals and the wider population.

To ensure a strong voice for equalities groups and representatives, and provide greater leadership to inclusion and equalities as part of the FVCV vaccination programme, a National Vaccine Inclusive Steering Group was established in March 2021. Its purpose is to provide feedback, challenge, and share ideas and advise on planning, communications and delivery of the programme. The Group will continue to run to advise on future vaccinations and immunisation programmes.

Vaccination breakdowns by sex, age, location (NHS Health Board and local authority) and the JCVI priority groups are available on Public Health Scotland's interactive dashboard. We recognise the importance of improving health data in order to identify and respond effectively to minority ethnic communities. The Programme for Government reflects our commitment to improve the quality of ethnicity health data. This includes making ethnicity a mandatory field for health databases and embedding ethnicity data collection in the culture of the NHS in Scotland.

An Expert Reference Group (ERG) on COVID-19 and Ethnicity was established to consider and inform the Scottish Government's approach in relation to the impacts of COVID-19 on Minority Ethnic (ME) communities. This was in response to reports at a UK-wide and international level that some ME groups may be at risk of experiencing disproportionate effects, both in terms of adverse health outcomes and in a wider context, including economically. We have now committed to the collection of ethnicity data and disability data through Tranche 2 of the vaccination programme, as a result of recommendations from the ERG.

Scottish Government's Inclusive Vaccinations team commissioned an inclusive plan from each Health Board in Spring 2021. Each Board was asked to take note of various documents produced to support them prepare this, including Public Health Scotland's Health Inequalities Impact Assessment (HIIA) and Voluntary Health Scotland's report, 'Vaccine Inclusion: reducing inequalities one vaccine at a time'. The Equalities and Inclusion team within the Vaccine Strategy Division has regular meetings with all Health Boards across Scotland to monitor and advise on progress on inclusion within local vaccination programmes.

Immunisation rates (recommendation made by the CYPSCS)

All childhood programmes are delivered by Community Vaccination teams. Further information on immunisation statistics, uptake statistics, childhood immunisation statistics, HPV statistics, teenage booster statistics and catch up programmes is available on the Public

Health Scotland website¹⁸⁶. Leaflets are available to all children in Scotland in multiple languages, easy-read, large-print, braille, and audio versions.

The United Nations Convention on the Rights of the Child (Incorporation) Bill (recommendation made by the CYPCS)

- Landmark for Children’s Rights, Scottish Government News (2021)¹⁸⁷
- Supreme Court Case No. 2021/0079 and 2021/0080 Written Submissions, Policy paper (2021)¹⁸⁸
- UNCRC Strategic Implementation Board, Scottish Government Information¹⁸⁹
- UNCRC Implementation: Guidance Reference Group, Scottish Government Information¹⁹⁰
- Every Child, Every Chance: Tackling Child Poverty Delivery Plan 2018-2022 (2018)¹⁹¹.

The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, which will incorporate the United Nations Convention on the Rights of the Child (UNCRC) and Optional Protocols 1 and 2 to the maximum extent possible, was unanimously passed by the Scottish Parliament. The Bill provides for commencement of the main provisions of the Bill 6 months after Royal Assent. It also contains powers for the Bill to be commenced earlier than 6 months from Royal Assent.

The Attorney General and Advocate General referred the Bill to the Supreme Court. The reference was heard before the Court on 28 and 29 June. The Scottish Government’s position is that the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill is within legislative competence. Depending on the outcome of the reference, it is possible that aspects of the provisions referred may have to be revisited.

The Scottish Government remains committed to the incorporation of the UNCRC to the maximum extent of the Parliament’s powers and to commencement of the Bill as soon as possible. Whilst the reference means that the Bill cannot receive Royal Assent at this stage, the majority of work in relation to implementation can and is continuing, consistent with the fact that the case is before the UK Supreme Court.

Human Rights Bill (recommendation made by the CYPCS)

Following on from the recommendations of the National Taskforce for Human Rights Leadership, the Scottish Government is taking forward a new Human Rights Bill. The Bill will set out for the first time, and in the one place, the wide range of internationally recognised human rights belonging to everyone in Scotland, including the incorporation of four UN human rights treaties: the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of Discrimination Against Women, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons

¹⁸⁶ <https://beta.gov.scot/publications/scottish-income-tax-2021-2022/isdscotland.org/topics/child-health/>

¹⁸⁷ <https://www.gov.scot/news/landmark-for-childrens-rights/>

¹⁸⁸ <https://www.gov.uk/government/publications/supreme-court-case-no-20210079-and-20210080-written-submission#history>

¹⁸⁹ <https://www.gov.scot/groups/uncrc-strategic-implementation-board/>

¹⁹⁰ <https://www.gov.scot/groups/uncrc-implementation-guidance-reference-group/>

¹⁹¹ <https://www.gov.scot/publications/child-chance-tackling-child-poverty-delivery-plan-2018-22/>

with Disabilities. The Bill will give effect to these human rights, as far as possible within devolved competence, and strengthen domestic legal protections by making them enforceable in Scots law.