

CRWIA Stage 2

Scoping - key questions

1. What children's rights are likely to be affected by the policy/measure?

List all relevant Articles of the UNCRC and Optional Protocols (see Annex 1). All UNCRC rights are underpinned by the four general principles: non-discrimination; the best interests of the child; the right to life; survival and development; and the right to have children's views given due weight.

Article 2 – Non-discrimination: Children should not be discriminated against in the enjoyment of their rights. No child should be discriminated against because of the situation or status of their parent/carer(s).

Article 3 – Best interests of the child: Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Article 4 – Protection of rights: Governments should undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the UNCRC. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of the available resources.

Article 6 – Life, survival and development: Every child has a right to life and to develop to their full potential.

Article 16 – Right to Privacy: Every child has a right to privacy. The law should protect the child's private, home and family life, and correspondence.

Article 28(2) – Right to education: Every child has the right to an education. Discipline in schools must respect children's dignity.

Article 40 – Juvenile justice: Governments must establish a minimum age of criminal responsibility. Wherever appropriate and desirable, measures for dealing with children without resorting to judicial proceedings should be used (providing that human rights are fully respected). A child accused or convicted of breaking the law must be treated with dignity and respect, in a manner which takes into account the aim of promoting the child's reintegration into society. They have the right to legal assistance and a fair trial that takes account of their age or situation. Governments must ensure that the child's privacy is fully respected at all times.

Article 42 – knowledge of rights: Governments undertake to make the principles and provisions of the UNCRC widely known, by appropriate and active means, to adults and children alike

2. How will the policy/measure affect children's wellbeing as defined by the wellbeing indicators?

List all wellbeing indicators relevant to the policy/measure (see Annex 2). The indicators are: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.

Included – The Remedial Order seeks to provide individuals with the opportunity to be a full member of the communities in which they live and learn; receiving help and guidance to overcome inequalities by enabling them to potentially put offending behaviour that occurred when they were a child behind them more quickly than under current legislation.

Respected – The Remedial Order seeks to ensure that the rights of children are respected, in line with the UNCRC. It will involve them in the decisions that affect their wellbeing

Achieving - children and young people affected will potentially be able to achieve more – by being able to pursue their choice of college/university courses or follow a career path without having offences from their childhood disclosed for many years after they have become an adult.

Responsible – The Remedial Order will provide individuals affected with the opportunity to take an active role within their home, school and community.

3. How many children and young people are likely to be affected by the policy or measure?

List potential sources of official and other data, or note the need to locate this information. Are there different levels of impact for different groups of children?

The numbers of children directly affected will be very small, however it will enable adults with offending behaviour that occurred when they were a child to put this behind them more quickly than under current legislation.

We will continue to gather data from relevant Government Officials as we develop this CRWIA.

4. What research evidence is available?

Preliminary identification of the research base for this policy/measure

N/A – this policy is being implemented as a result of a court decision.

5. Has there been any public or stakeholder consultations on the policy/measure?

Stakeholders include children and young people, parents/carers, children’s workforce, NGOs

A Public Consultation will be launched on 11th September 2017. We will invite observations on the impact of the policy from children and young people.

6. Has there been any estimate of the resource implications of the policy/measure?

Capital costs, expenditure, recruitment and training costs for the workforce etc.

This will be minimal - businesses will not incur any direct costs as a result of the changes. However, there may be some additional costs for some business/organisations due to delays in recruitment, but until we fully understand the numbers involved in submitting applications to the sheriff, it will be difficult to understand what this impact might be if any.

PLEASE NOTE THESE DOCUMENTS REPRESENT ON GOING CRWIA WORK AS WE FURTHER DEVELOP THE MEASURE, ITS IMPLEMENTATION AND MONITORING. THE PUBLIC CONSULTATION LAUNCHED ON 11 SEPTEMBER 2017 WILL INFORM THE NEXT STAGE OF WORK.