

# Annual Report

## 2021-2022



**“We’ve learned so much about children’s rights, and about ourselves too. We are excited about what’s ahead: We want to see our rights incorporated into law in Scotland. After decades of campaigning by children and young people, at long last, our rights will be real.”**

**Young Advisers Group**

(CCYP/2022/03) laid before the Scottish Parliament by the Commissioner for Children and Young People in pursuance of Section 10(1) of the Commissioner for Children and Young People (Scotland) Act 2003 on 13/10/2022.

## CONTENTS

|           |   |           |   |
|-----------|---|-----------|---|
| <b>4</b>  | <b>Foreword from Young Advisers Group</b>                     | <b>32</b> | WHO Technical Advisory Group                                    |
| <b>7</b>  | <b>The Commissioner</b>                                       | <b>32</b> | UN Day of General Discussion                                    |
| <b>8</b>  | <b>Commissioner’s Introduction</b>                            | <b>32</b> | Climate Justice   |
| <b>10</b> | <b>Involving Children &amp; Young People</b>                  | <b>33</b> | Online and In-person COP-26 Events                              |
| <b>10</b> | Young Advisers Group  | <b>34</b> | No Time To Waste  |
| <b>11</b> | European Network of Young Advisers                            | <b>34</b> | Research into Barriers Faced by Child Climate Justice Activists |
| <b>12</b> | Raising Awareness Through the Media                           | <b>35</b> | Know Your Human Rights at Protests                              |
| <b>12</b> | Listening Days  | <b>35</b> | Children’s Human Rights at Protests                             |
| <b>13</b> | Roadshow  | <b>35</b> | Independent Children’s Rights Institutions Around the World     |
| <b>14</b> | A Place In Childhood  | <b>36</b> | Rights Challenge Badge with Scouts Scotland                     |
| <b>15</b> | Including Children in Impact Assessments                      | <b>37</b> | Advice On Children’s Human Rights                               |
| <b>16</b> | <b>Incorporation of the UNCRC</b>                             | <b>37</b> | Spirit of Springburn  |
| <b>16</b> | Background to Incorporation                                   | <b>38</b> | Minority Ethnic Emerging Leaders Internship                     |
| <b>17</b> | Supreme Court Challenge                                       | <b>38</b> | Communicating About Rights: Media Work                          |
| <b>19</b> | Observatory and Theory of Change                              | <b>39</b> | Communicating About Rights: Speeches and Filming                |
| <b>19</b> | Children’s Human Rights Course                                | <b>40</b> | <b>Our Investigations</b>                                       |
| <b>20</b> | <b>Our Year In Review</b>                                     | <b>40</b> | Secure Accommodation  |
| <b>20</b> | Continuing Impact of the Pandemic                             | <b>41</b> | Restraint and Seclusion   |
| <b>22</b> | Poverty   | <b>42</b> | <b>Governance &amp; Responses</b>                               |
| <b>23</b> | Mental Health   | <b>42</b> | Access to Information   |
| <b>23</b> | Minimum Age of Criminal Responsibility                        | <b>43</b> | Whistleblowing Report   |
| <b>24</b> | Strategic Litigation  | <b>43</b> | Corporate Parenting   |
| <b>25</b> | HMIPS Year of Childhood Pre-inspection Survey 2021            | <b>44</b> | British Sign Language Act                                       |
| <b>25</b> | Know Your Rights When Entering Custody                        | <b>44</b> | Delivery Plan update  |
| <b>26</b> | Children in Prison  | <b>45</b> | Working Practices   |
| <b>26</b> | Child Victims of Human Trafficking                            | <b>45</b> | International Submissions                                       |
| <b>27</b> | Accommodation of Asylum-Seeking Mothers and Babies in Glasgow | <b>46</b> | Consultation Responses and Evidence to Parliament               |
| <b>28</b> | Youth Football  | <b>48</b> | <b>Finance</b>  |
| <b>29</b> | Child Protection and Safeguarding                             | <b>50</b> | <b>The Year Ahead</b>   |
| <b>30</b> | European Network of Ombudspersons for Children                | <b>54</b> | <b>Team</b>   |
| <b>31</b> | War in Ukraine  | <b>55</b> | <b>Our Thanks</b>   |

## FOREWORD FROM YOUNG ADVISERS GROUP

Our group of Young Advisers came together in 2021 after the Commissioner's office recruited a new team. We're aged between 14 and 17 and live all over Scotland. Some of us had previous experience and interest in defending children's human rights and some of us were completely new to it. What we all had in common was the desire to get involved and ultimately, make a difference through our work with the office.

That work has been diverse, and we've been able to throw ourselves into it – with plenty of support from everyone in the Commissioner's office, of course! We've been able to get on with projects that really interest us and then feed it back to the wider group. It all comes together like a big jigsaw.

The Young Advisers split into three separate groups with a different area of focus. The ENYA (European Network of Young Advisers) 2021 group was formed to have international links with other young people across Europe through ENOC (European Network of Children's Ombudspersons), the Mental Health Investigators are looking into the level of counselling provision offered in schools, and the Governance group help the office make decisions about the direction of their work.

**"I don't know what I was expecting but I wasn't expecting being a Young Adviser to be as much fun, or such a good experience. I thought 'oh this is just volunteering, I'll do a couple of things now and then but it won't really change much'. But it's honestly shaped me, it's changed who I am and how I act"**

**Lewis, 16,  
Young Adviser**



#7WordStory

**"The office has put young people at the centre of its work – both metaphorically and physically. It's great to be a part of it, especially during a period as challenging as Covid."**

**Innes, 17, Young Adviser**

The best thing about being in ENYA 2021 is the international element. We can meet young people from all over Europe and find out about rights issues in their countries, and most importantly, we can learn from each other's work. It's great to focus on rights in Scotland and the UK, but there is something really special about learning from others about what life is like in other countries and the differences, but also where we have common ground where rights are not respected. It's about feeling part of something bigger. During the first part of this year we worked on children's recovery from Covid-19, and shared our views and experiences on how our rights were met by our governments during this time. Later, we moved on to ENOC's new theme of climate justice, which is an issue some of us had already worked on as part of the COP-26 Climate Conference in Glasgow.

The Mental Health Investigators have been busy planning every step of the process of our investigation, using the Commissioner's legal powers. We've identified the issues, been involved in tendering, will analyse the results, and will develop and shape the report's content, design, and recommendations.

Our Governance group has been involved with some aspects of the office's work. It's hugely varied, from getting involved in





Children and young people must be meaningfully engaged in processes concerning them, including COP-26, the UN climate talks taking place in Scotland until November 12th. Their right to peaceful protest must be respected, protected and fulfilled during COP-26.

CHILDREN & YOUNG PEOPLE'S Commissioner Scotland



Change Conference of Youth) on the effects of climate change on children's rights in Scotland and presenting at a children's rights webinar with Together (Scottish Alliance for Children's Rights) to celebrate World Children's Day.

Everything that we have done has been supported by the office. None of us realised just how much support and encouragement we would get. One way of putting it would be they don't just say 'go and jump into the lake and see how cold it is', it's more 'dip your foot in, test the water, and we're here to help you get back out if needs be.'

We are excited about the year ahead too. We want to see our rights incorporated into law in Scotland. After decades of campaigning by children and young people, at long last, our rights will be real. And we can't wait to stretch ourselves, do things we wouldn't normally do, get involved with amazing opportunities and generally keep fighting for children's rights.

speeches and presentations, sharing platforms with Bruce on rights issues, and being on the formal recruitment panels for new staff.

We have so many highlights and have learned so much – not just about rights, but about ourselves too. We've produced blogs, vlogs, and videos and taken every opportunity that has come our way. All of us are able to get involved as much we want depending on our other commitments. We have co-moderated online events and spoken to Scottish and international audiences about our experiences, including during COY16 (the 16th UN Climate

**EMPOWER VOICES,**  
**access to justice for all.**

#7WordStory



## THE COMMISSIONER

The Commissioner is someone with authority and powers to promote and protect the human rights of all children and young people in Scotland. That is:

Everyone under 18, and

Everyone under 21 who is in care or care experienced.

Childhood is special and those in power have additional obligations in relation to children's human rights. Children and young people do not have the same economic or political power as adults, and often struggle to access justice in the same way that adults do, so the Commissioner's role exists to champion their rights. It was created by a law passed by the Scottish Parliament in 2003, in line with principles set out by the United Nations.

This law says that the Commissioner must:

Make sure that children, young people, and adults know about children's human rights, and make sure they understand them.

Make sure that people in power respect, protect, and fulfil children's human rights.

Find examples of where adults work well with children and young people and share them with others who can learn from this.

Make suggestions relevant to children's human rights to improve policies, the law, and the way people work.

Carry out research into children and young people's lives and let adults know when the rights of children and young people are not being respected.

Make sure adults listen to what children and young people have to say when decisions are being made that affect their lives.



## WHO IS THE COMMISSIONER?

In May 2017, Bruce Adamson was appointed Children and Young People's Commissioner for a six-year term. He is the third Commissioner to have taken up the role since it was established in 2003.



# INTRODUCTION

This report marks 18 years since the first Commissioner, Professor Kathleen Marshall, began her work. The end of the office's childhood is a challenging time with the pandemic still impacting children, war in Europe, a cost-of-living crisis, and attacks on human rights laws.

We've maintained a strong focus on our organisational values – bravery, independence, leadership, participation, and respect. As always, our highlight has been seeing child human rights defenders standing up for their rights and the rights of others. I am hugely proud of our new group of Young Advisers, aged 14 to 17. They've been at the heart of our work.

The start of this reporting year began just as we were emerging from the second Covid lockdown. All children are still dealing with the effects of the pandemic and we've fought tirelessly for their rights to be respected in law, policy and practice.

Those whose rights were already at risk have been disproportionately affected. Many are dealing with bereavement, ongoing effects of Covid, the after-effects of isolation, poverty, and mental health issues. Two areas of particular focus this year were educational impact including the SQA exams and on the rollout of vaccinations.

At international level, we chaired the European Network of Ombudspersons for Children with Covid-19 as our thematic priority. We led the engagement with European and international institutions, built important new partnerships with UNICEF and helped set new standards and monitoring mechanisms. I'm hugely grateful to my ENOC colleagues for putting this trust in Scotland to lead the Network over recent years.

During the first year of the pandemic, our participation work moved online. This year we safely restarted meeting children and young people in their communities, face-to-face. On World Children's Day, we launched our roadshow and the whole team has been involved. Highlights included nursery visits, developing a human rights badge with Scouts Scotland, focusing on sport with Judo Scotland, being a high school pupil for a day, and returning to island and rural communities.

The best part of our role is working directly with children and young people and it's been powerful doing that in person again. We simply couldn't defend human rights without them.

On one visit, Max, 11, told us: "It's important to know your rights so they can't be taken away from you."

Our pre-Covid strategic priority of child poverty has taken on more significance. We've developed strong partnerships with the other UK Children's Commissioners, and civil society. We have worked with the UK Parliament on child poverty targets,

and, alongside the Children's Commissioners of Northern Ireland and Wales, called for the UK Government to do much more, challenging regressive policies and calling for the retention of the £20 uplift in Universal Credit. We worked with the UN Special Rapporteur on Extreme Poverty and Human Rights and we renewed calls to the Scottish Government for an immediate increase to the Scottish Child Payment. We have worked closely with the Poverty and Inequality Commission's Child Poverty Scrutiny Report, the first time the Commission had involved children and young people in their scrutiny report.

A strong focus of our strategic priority work on child human rights defenders was linked to COP-26 ensuring that young people's voices were heard at the heart of the climate change conference. We have championed their right to participate, and to protest, working with young people, local authorities, and Police Scotland to facilitate this.

In December, the minimum age of criminal responsibility was increased in Scotland from eight to 12, still two years below international minimum standards. Even this small progress was delayed in its implementation by Scottish Government. A related concern is the fact we still imprison children, sometimes with tragic consequences. We've worked to end imprisoning children, and on extending of the children's hearings system to 16 and 17 year olds. We're a long way from the rights-respecting child justice system we committed to 30 years ago when the UK ratified the United Nations Convention on the Rights of the Child (UNCRC).

This year we should have been celebrating the commencement of the UNCRC's incorporation into Scots law. A challenge in the Supreme Court resulted in the need for amendments, and delays from the Scottish Government have meant that children – who fought for decades for this – are still waiting for their rights to be real in law. We'll continue the fight to make sure rights are enshrined in law.

And while progress has been delayed by the Scottish Government, the UK Government has been actively seeking to dismantle the rights protections that do exist. We'll continue to work closely with the other UK Commissioners to protect against retrogression at the UK level, as we fight for progress in Scotland.

The world watched in horror as Russia escalated its invasion of Ukraine in March. Having worked extensively with the Ukrainian Parliamentary Commissioner for Human Rights for many years, we were able to quickly offer support to colleagues in Ukraine and neighbouring countries.

In Scotland, children struggled to make sense of the upsetting news, particularly after two years of pandemic. We shared resources and produced copies of a poignant 7 Word Story in Ukrainian and Russian to show our solidarity. As Ukrainian children began to arrive here, we have focused on ensuring that all their rights are respected, protected and fulfilled.

There has been a lot to be proud of this year, and the optimism from children is inspiring. But this is also a time where the role of independent children's rights institutions, like this office, is even more important. We will always put the voices of children and young people at the centre of that work.



**BRUCE ADAMSON,  
CHILDREN AND  
YOUNG PEOPLE'S  
COMMISSIONER  
SCOTLAND**



## INVOLVING CHILDREN AND YOUNG PEOPLE

Participation is a core value of our office and involving children and young people is at the heart of everything we do. Their views, experiences, and ideas influence all areas of our work.

"Becoming a Young Adviser has been a great way for all our voices as young people to be heard and for us to make a proper difference in the world."

Rennie, 15,  
Young Adviser

### YOUNG ADVISERS GROUP

In the summer, we welcomed a new group of Young Advisers. They're aged between 14 and 17, come from different backgrounds, live all over Scotland, and their role is to influence and guide our work and decision-making. We've been able to meet face-to-face, when restrictions allowed, but have mostly worked online. The three Young Advisers groups are involved in policy work consultation, working alongside the Commissioner, public speaking, co-moderating events, recruitment of our staff, and keeping us informed about what matters to young people.

Our Young Advisers are split into three key areas:

**Governance Group:** Their primary role is to help us make decisions about our work and its direction, ensuring we are on track with our [Strategic Plan](#) (shaped by children and young people), driving the general work of the office, supporting us to spend ethically and effectively, recruitment of staff, and making sure we always keep children and young people at the centre of our work.

**ENYA Group (European Network of Young Advisers):** This group was formed to have [international links with other children and young people across Europe](#) through ENOC (European Network of Children's Ombudspersons). They have developed a cross-nations report about the impact of Covid with key recommendations for decision-makers, and began their work on the new theme of climate justice. ENYA advisers from across Europe meet annually and make

recommendations that inform the work of each nation's children's commissioner's office.

**Mental Health Investigators:** This group are using the Commissioner's legal powers to examine the level of counselling provision offered to children and young people in schools. It involves participation at all parts of the process, including identifying the issue, tendering, research analysis, conducting formal interviews, developing and finalising the report content/design and recommendations. This is part of our [Investigations work](#) and a first for the office for the team to run it with our Young Advisers.

"I helped host a webinar. It was daunting but a great experience. It's so good when young people are supported and encouraged to meaningfully participate. Let's get our voices heard!"

Lewis  
Young Adviser  
#WorldChildrensDay



"All young people have the right to health. But a lack of good quality nutritional meals can lead to an unhealthy child."

"Therefore, their rights are not being fulfilled."

Sophie  
Young Adviser



### EUROPEAN NETWORK OF YOUNG ADVISERS (ENYA)

The Commissioner is a member of the European Network of Ombudspersons for Children (ENOC). It has 43 members who meet every year to discuss issues that affect children's rights across the continent and share good practice. The Commissioner has played a leadership role within ENOC serving on the Bureau since September 2019 and as Chair from November 2020 to September 2021.

ENOC supports young people who are passionate about defending children's rights to be young advisers to their work as the [European Network of Young Advisers](#) (ENYA). Each year, ENYA influences ENOC's work, providing their own report and recommendations. In 2021, they produced the [ENYA Report and Recommendations on "COVID-19: learning for the future."](#)

The young people began work in spring 2021 and the ENYA Forum was held online in July and hosted by Malta. Participants, including our Young Advisers Ally and Naayela, came together through co-operation, workshops and plenaries to come up with recommendations for the ENOC conference in September, which was hosted in hybrid format by Greece.

"My experiences of the ENYA forum 2021 are nothing but positive! The whole experience was fun no matter what session we were on. From a virtual tour to a live escape room, the whole experience was fantastic."

Ally, 17, Young Adviser



## RAISING AWARENESS THROUGH THE MEDIA

We support our Young Advisers in their role as human rights defenders to work with the media to get their messages to as wide an audience as possible. Whenever the office has been approached by the media, we have provided a young person's view, where possible.

We have published blogs on our website from our Young Advisers to highlight rights and issues that are important to them. In August, Sophie wrote a powerful [blog on food and poverty in Scotland](#) to mark International Youth Day. Lewis [described overcoming his fears and hosting a webinar on children's rights](#) in November for World Children's Day, and in December, Beth celebrated International Day of Persons With Disabilities with [a blog on upholding disabled people's rights](#).

In May, Kara made a film for us during Deaf Awareness Week about [the rights of deaf children](#) and in September, Chloe [vlogged for us about her experiences volunteering](#) for the charity Homeless Network Scotland. She told us about what she's learned, and about the people she's met who haven't had all their human rights met.

Emma was quoted by Glasgow World [about climate justice and why the right to protest](#) is so important to children and young people.

**"I feel like lessons weren't learned from the first year of the pandemic when exams were cancelled. Our teachers have tried their best but we've not had much communication from the people in charge. I've never spoken to an SQA representative in my life."**

**Female pupil, All Saints Secondary School**

## LISTENING DAYS

Following our online listening days during the second period of school closures as recorded in last year's Annual Report, we were delighted to visit All Saints Secondary School in Barmulloch, Glasgow, in person, just before the end of term in June.

We met children from S1 to S3 to find out how they have been re-engaging with education post-lockdown. We then met groups from S4 to S6 to chat about exams and assessments and how they have been affected.

Pupils told us about the negatives and positives they had faced during lockdown, and how they felt about the exams and assessment process. One senior boy said: "It's going to be really stressful going into an exam when it's a Higher or Advanced Higher and it'll be the first time we've sat a proper exam."

**Children and young people from all over Scotland can have a virtual session with our team. Tell us about rights successes and when things have gone wrong.**



## ROADSHOW

The pandemic limited our face-to-face engagement with children and young people. We met online and in person, when it was safe to do so, but we always want to hear from children and young people in their own spaces and communities. So, on November 22, World Children's Day, we hit the road.

Our roadshow – a programme to meet and work with as many children and young people as possible – visited places we had not been able to travel to due to Covid-19 measures. We were keen to hear from children and young people whose rights are most at risk, or who perhaps do not often get the opportunity to have their views listened to. We also held virtual sessions to speak to as many groups as we could.

We travelled to Haddo Woodland Kindergarten in Aberdeenshire, Noble Primary School in North Lanarkshire, 1st Fordell Scouts in Fife, Peebles High School in the Borders, Edinburgh Judo Club, and the Scottish Refugee Council in Glasgow.

In February, we went to Shetland for Who Cares? Scotland's Festival of Care and spent three days visiting Brae School, Sandwick Junior High School, the Bridges Project, the Mums' Group in Lerwick, Mind Your Head, Members of the Scottish Youth Parliament, and Michael's Wood.

**"It's important we know our rights and what to do when someone isn't upholding them."**  
A young person from Shetland





## #SCOTYOUTHANDCOVID: WORK WITH A PLACE IN CHILDHOOD

Shortly after the first lockdown began in March 2020, [A Place in Childhood](#) (APiC) gathered young people from across Scotland (Young Consultants) in a series of online workshops to give their views on how the pandemic was affecting them.

They talked about their experiences of lockdown, and what they felt the Scottish Government had to do differently as part of their #ScotYouthAndCovid project.

In 2021, we supported APiC to continue their work with the 25 Young Consultants, aged between 11 and 17, and from Glasgow, Aberdeen, Edinburgh, rural Falkirk and rural Stirlingshire. Their work in #ScotYouthandCOVID2 reflected on their return to school in autumn 2020 and explored their experiences throughout the second lockdown which began in December 2020. Their second report collected their findings and highlighted their 34 Asks to the Scottish Government for meaningful change to allow them "to feel young again".

They made a series of wide-ranging calls, including redesigning assessments for national qualifications; recognising that teachers have struggled in the pandemic and that they need to be supported too; schools and teachers ensuring that workloads are not

overwhelming; and ensuring children and young people are listened to.

At the start of 2022, the project focused on listening to those who feel least heard over the pandemic. In March 2022, workshops with children who have Long Covid and children of prisoners were held to find out about specific issues affecting them. More workshops with young carers, young people seeking asylum and younger children were held in May and June which will be included in next year's report.

The Young Consultants aim to create a Scotland-wide manifesto for change that represents the views and experiences of as many children and young people as possible. It will tell people in power what needs to happen to ensure children and young people are a key part of decision-making as the country begins to recover from the pandemic.

**"The Scottish Government needs to recognise that young people are crying out for help. We need more mental health support, we want our exams and our schooling to be sorted. We need them to be clear on restrictions, and we've been asking for that for so long. They are going to have to listen to us, and they have to make a change."**

**Aimee, 17, from Denny, Falkirk, Young Consultants**

## INCLUDING CHILDREN IN IMPACT ASSESSMENTS

As the country incorporates the United Nations Convention on the Rights of the Child (UNCRC) into Scots law, child rights impact assessment (CRIA) and child rights impact evaluation (CRIE) must be adopted to put children's rights at the heart of public authority decision-making.

But first public authorities need to develop knowledge and understanding of involving children in CRIA and CRIE processes.

We have been working with partner organisations on a project in East Lothian to develop good practice on this.

The project – undertaken with East Lothian Council and delivered within the framework of the East Lothian Children's Strategic Partnership – has been facilitated by the Children's Parliament with Together (Scottish Alliance for Children's Rights) and the Observatory of Children's Human Rights Scotland. It has taken a case study learning approach centred around the East Lothian Children and Young People's Service Plan.

The project has focused on key activities including:

- the engagement of a group of children to investigate CRIA and CRIE in East Lothian
- identification of a core group of Champions with roles connected to the development and delivery of the Children and Young People's Service Plan
- the development of a CRIA on the Children and Young People's Service Plan
- raising awareness and understanding of CRIA and CRIE with the Children's Strategic Partnership and core group of Champions
- capturing, sharing and embedding learning throughout the project

Children's Parliament have supported over 100 children to take part in the project. They are aged eight to 13 from three primary schools and one secondary school in East Lothian. Over the course of six weekly sessions, they have worked with 12 investigators from across the four schools to further explore, analyse and reflect on the views, ideas and opinions of the wider group of children.

The collaboration will produce a user-friendly guide on involving children and young people in CRIA and CRIE, which draws on the children's ideas, experiences, and suggestions. It will provide practical advice and guidance for leaders, policy makers and practitioners. Once published, we hope the guide will help make children's involvement in CRIA and CRIE more visible and commonplace.



# INCORPORATION OF THE UNCRC



## BACKGROUND TO INCORPORATION

The Commissioner's top legislative priority is [incorporation of the United Nations Convention of the Rights of the Child \(UNCRC\)](#) into Scots law. It's the most important thing Scotland can do to ensure children's rights are respected, protected, and fulfilled. Founded on the principle that all children should grow up in a family environment of happiness, love, and understanding, the UNCRC contains a broad array of rights covering all aspects of children's lives. On 16 March, 2021, after decades of campaigning, the Scottish Parliament unanimously voted for incorporation.

## INCORPORATION FACTS

The UNCRC was drafted in 1989 and is the most widely and rapidly ratified treaty in history.

196 countries have ratified it, including the UK in 1991.

It sets out the civil, political, economic, social, and cultural rights of every child, regardless of their race, sex, religion, nationality, or any other status.

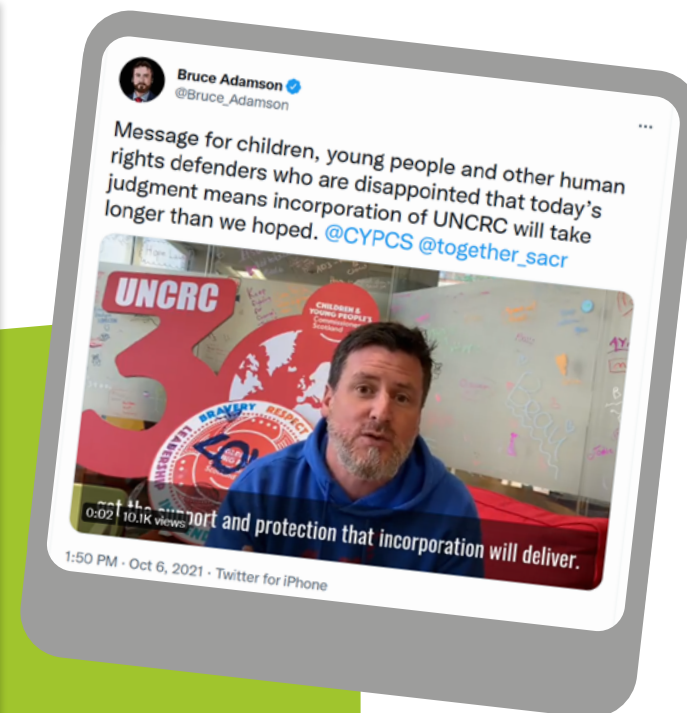
## SUPREME COURT CHALLENGE

In April 2021, the UK Government challenged specific areas of the UNCRC (Incorporation) (Scotland) Bill in the UK Supreme Court, saying they were beyond the legislative competence of the Scottish Parliament.

In response Commissioner Bruce Adamson highlighted just [how long children and other campaigners had been waiting](#) and said it was vital that the challenge by the UK Government should not create unnecessary delay to the much-needed rights protections incorporation will provide.

On 6 October, the Supreme Court [published their judgment](#), unanimously deciding that four sections of the Bill went beyond the powers of the Scottish Parliament. Until changes are made to those sections, the Bill cannot become law – which means children's rights will not be fully protected. The Commissioner responded, [urging the Scottish Parliament to immediately address the issues raised](#).

We had urgent meetings with Scottish Government, calling for swift action to



**"Incorporation of the UNCRC will give young people a sense of security and it will really benefit their quality of life. They'll feel safe in the knowledge that their rights are in law."**

**Anonymous young person**



bring the necessary amendments back to the Scottish Parliament.

It was deeply concerning that in contrast to the productive work during the legislative stages of the Bill, the Scottish Government did not treat the matter with urgency or work in an open and transparent way on the amendments.

We are continuing to [call for the Scottish Government to take action](#) to address the Supreme Court's concerns urgently.

During this period, the Commissioner's office has been supported by our Young Advisers to progress work on a decision-making process to guide the use of new legal powers the Commissioner will gain through incorporation.

**"Every single day of delay of incorporation of the UNCRC is a day when children's rights are not protected in law."**

**Bruce Adamson, Children and Young People's Commissioner Scotland**

## OBSERVATORY AND THEORY OF CHANGE

We continued to support the work of the [Observatory of Children's Human Rights Scotland](#). Launched in February 2020, the Observatory is a collaborative of Scottish organisations working to drive implementation of children's human rights in Scotland.

Between November 2021 and March 2022, the Observatory, in partnership with a Matter of Focus and Public Health Scotland, has been creating a Theory of Change for Making Children's Rights Real in Scotland. It is a vision for how children's rights can be realised across the country, showing the different journeys towards this.

The Theory of Change will be a tool that organisations can use to help them plan and prepare for what they need to do to realise children's rights in Scotland.

As well as being one of the 60+ organisations to take part in the project to help develop a Theory of Change, our advisory role with the Observatory has enabled us to provide support and feedback on the project from its conception to completion.



## CHILDREN'S HUMAN RIGHTS COURSE

In March 2022, we worked as key partners alongside the [Institute for Inspiring Children's Futures](#) at the University of Strathclyde, to deliver a week-long course in children's human rights.

The course was led by Professor Ann Skelton, a Visiting Professor at the Institute and elected member of the UN Committee on the Rights of the Child.

As Scotland moves towards full incorporation of the UNCRC, the course was developed for those with an interest in children's rights to help them understand the international children's human rights context and its practical application in a national context.

Professor Skelton delivered the morning plenary sessions on a range of themes, including the ongoing development of children's rights internationally.

A specific children's rights issue in Scotland was considered every afternoon, and how UNCRC incorporation might impact it. Working with policy and practice experts from various organisations, we delivered workshops on child poverty, justice, participation, and care.

The focus of the final day was on the incorporation of the UNCRC into domestic law. At the morning plenary session, our Head of Strategy, Gina Wilson, discussed the road to incorporation in Scotland with Professor Skelton.



Read more about [our work on incorporation](#)



# OUR YEAR IN REVIEW

At the start of this reporting year, Scotland was just emerging from the second coronavirus lockdown and the shadow of the pandemic still loomed large over much of our work. Covid-19 had already changed many of our priorities since March 2020 but the impact of it on children's rights has not been our only concern. Here, we highlight the activities and achievements of our office, both Covid-related and those separate from the pandemic.

## CONTINUING IMPACT OF THE PANDEMIC

The global coronavirus pandemic has disproportionately affected children. Children's rights to education, health, family life and to gather with friends have all been infringed by the pandemic. Those whose rights were already most at risk have suffered the most: disabled children, care experienced children, young carers, and those experiencing poverty. Many children are continuing to deal with the health effects of the pandemic, for example, dealing with bereavement, poor mental health, Long Covid, and living in poverty.

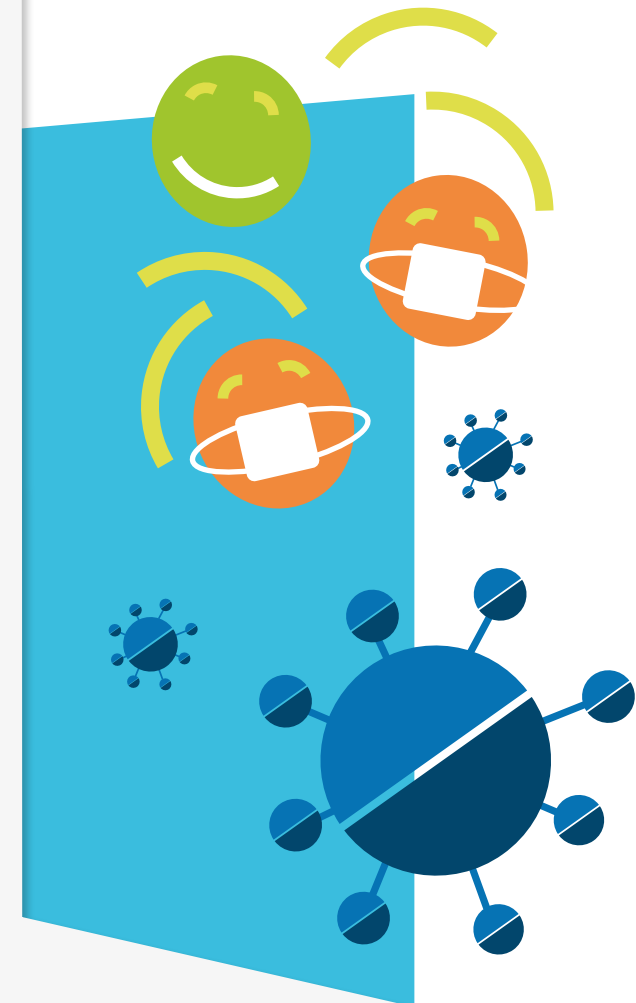
Due to the pandemic, young people in Scotland have now faced disruption to SQA exams and assessments in two academic years – in 2020 and in 2021. Throughout that time, their right to education has been severely impacted. This year, young people continued to live with a huge amount of uncertainty.

When the SQA consulted around the 2021 appeals process, [we raised concerns](#) that their consultation was not accessible to young people and did not encourage them to participate. Our [own response](#) to the consultation raised human rights concerns with the process. In April 2021, we highlighted that [the SQA's Alternative Certification Model needed to take exceptional circumstances into account](#), just as they are in years where there isn't a global pandemic. We also

published an FAQ about [how to ask for extra support at school](#). In February, we published a position statement on the [removal of face coverings in classrooms](#), reiterating our message that any mitigations in school – and their removal – must be proportionate, necessary, based on evidence, and communicated appropriately to pupils.

As the Covid-19 vaccination programme was rolled out, the advice from the Chief Medical Officers began to directly include vaccination for children and young people. We published statements considering what rights are engaged, such as the right to health and life, the right to education, to play sport and recreation, and to meet family and friends. In July, this [related to 16 and 17 year olds](#), in September, we responded to the advice to vaccinate [12 to 15 year olds](#), and in December, to the offer to vaccinate five to 11 year olds who are clinically vulnerable. This advice was extended to all [five to 11 year olds](#) in February. We also urged the [Scottish Government to make sure their communications around Covid-19](#) measures and vaccinations included involving children and young people.

The Commissioner also wrote a foreword for *The World Stood Still But We Are Still Here*, a book by parents in Ayrshire about the struggles of life in lockdown supported by Aberlour Children's Charity Family Service.



Children and Young People's Commissioner Scotland  
@CYPCS

We are hugely concerned that @sqanews revision materials fails to meet the needs and expectations of young people and the teaching staff who support them. After years of educational disruption, young people need significant extra support. [Statement](#):



cypcs.org.uk  
Statement: The Scottish Government and the SQA must respond to young people's views and provide clear, comprehensive revision materials for exams.

5:29 PM · Mar 8, 2022 · Twitter Web App

Bruce Adamson  
@Bruce\_Adamson

Making vaccination available to all children aged five to 11 is important to protect the right to life and other human rights impacted by Covid-19, including their education, physical and mental health, rest, play, leisure and right to family life.

Children and Young People's Commissioner Scotland  
@CYPCS · Feb 17  
STATEMENT: Office position on vaccination offer to children aged five to 11.  
[bit.ly/36au9bA](https://bit.ly/36au9bA)



10:59 AM · Feb 17, 2022 · Twitter for iPhone



Picture by James Williamson



Read more about [our work during the coronavirus pandemic](#)

## POVERTY

Poverty is a human rights issue – and even before the pandemic, was the most significant human rights issue facing children in Scotland. The effects of the pandemic – which are still becoming clear – have made a dire situation worse for those in poverty or only just getting by. Poverty affects every single aspect of a child's life, including their ability to learn, their mental and physical health, their development, their ability to socialise and engage in cultural activities and their future opportunities. One child summarised how living in poverty can feel, telling us, "When you're poor, you give up on your dreams".

In September, [we responded to the Scottish Government's rapid consultation](#) on an updated Tackling Child Poverty Delivery Plan, highlighting that child poverty is a choice and is avoidable. The same month, [the Commissioner gave evidence on child poverty targets](#) to the Work and Pensions Committee in Westminster, outlining the significant change the targets are making to the Scottish approach to child poverty, and alongside the Children's Commissioners of Northern Ireland and Wales, called to maintain the £20 uplift in Universal Credit. The UN Special Rapporteur on Extreme Poverty and Human Rights said the cut was an "unconscionable" move that breaches human rights law and is likely to trigger an explosion of poverty. We also

renewed calls to the Scottish Government for an immediate increase to the Scottish Child Payment.

We have worked with the Poverty and Inequality Commission to ensure young people's views informed the Commission's [Child Poverty Scrutiny Report](#) 2021-22. As part of the project, we worked in partnership with the Commission and Aberlour to deliver three workshops with young people aged between 12 and 17, including one session with our Young Advisers Group. In the sessions, the young people explored what child poverty meant to them, their thoughts on the actions being taken to reduce child poverty and what more needs to be done to tackle it. One participant, aged 16, said: "When I think of poverty, I think of inequality: it's not fair and it's not right."

We were excited to be involved, particularly as this was the first time the Poverty and Inequality Commission had involved children and young people in their scrutiny report.

**Freedom  
from  
poverty  
helps all  
children  
flourish**

#WordStory

## MENTAL HEALTH

In addition to the work of the Mental Health Investigators, we had ongoing engagement with the Scottish Mental Health Law Review. The review is looking beyond mental health legislation and considering how mental health services can be delivered in a way which guarantees the human rights of people experiencing mental ill health. The review is also considering how to support the rights of autistic people and those with other neurodivergent conditions, as these are currently included in mental health law.

We have also continued to raise issues relating to mental health across our work, particularly in our work on the Covid pandemic.

#ChildrensMentalHealthWeek

**"Mental health is a human right. You should be supported to have the best possible mental health."**

Bruce Adamson, Children and Young People's Commissioner

## MINIMUM AGE OF CRIMINAL RESPONSIBILITY

On 17 December, 2021, the minimum age of criminal responsibility increased from eight to 12 when the Age of Criminal Responsibility (Scotland) Act 2019 came into effect. However, the change – which took two years to come into force – is not good enough; it is still two years below the minimum international standard of 14 set out by the United Nations and the Council of Europe. This standard is based on extensive international evidence, including leading studies from Scotland.

The Council of Europe Commissioner for Human Rights and the UN Committee on the Rights of the Child both made unprecedented interventions during the passage of the Act and have continued to call for Scotland to meet its obligations.

We remain deeply concerned about the impact of this low age of criminal responsibility. Using criminal law to address harmful behaviour by children is wrong and increases the likelihood of a child continuing to engage in such behaviour. The best way to address harmful behaviour is early intervention; supporting families in crisis and children at risk. Many children in conflict with the law have complex or traumatic childhood experiences, so we need community-based early intervention services. A low age of criminal responsibility does not keep us safer, nor does it provide an effective remedy for those affected by the behaviour of children.

Our office continues to push for the minimum age of criminal responsibility to be raised and actively seeks opportunities to raise this issue, such as the Commissioner chairing the National Youth Justice Conference in June, with a view to influencing this much-needed law change.

Children and Young People's Commissioner Scotland  
@CYPCS

Tomorrow, our age of criminal responsibility will legally change to 12 years old, but that isn't a cause for celebration. How can we celebrate a law that is still two years below the minimum international standard and is still failing children? 2/5

2:02 PM · Dec 16, 2021 · Twitter Web App



## STRATEGIC LITIGATION

Since 2017, an important part of the office's work has been strategic litigation. This means legal cases that seek to bring about positive legal and/or social change so children and young people can enjoy all their rights. One way in which this can happen is where a court's decision establishes an important point of law or where it leads to a change in a policy or practice affecting children and young people's lives.

There are lots of cases that the Commissioner's Office could try to bring to the courts, so we have to be selective and choose cases that:

- a. are a priority area in terms of children's and young people's rights, for the work in our office (i.e. the children's rights areas we have decided to work on)
- b. affect children and young people who need the most help to protect their rights
- c. will lead to a large number of children and young people enjoying greater rights

The Commissioner is a member of the Advisory Board of an international project [Advancing Children's Rights Strategic Litigation](#) (ACRiSL). We have been working with ACRiSL to design a set of guidelines which we will use to help us to choose the cases we get involved in and to provide clear reasons for those choices.

In 2021/22, we continued our work on English and Welsh children deprived of their liberty in Scotland on orders made by the High Court. We intervened in a number of cases, and gave statements from the Commissioner in others, to try to improve the human rights protections put in place by the Scottish courts when authorising these orders. We were able to influence some changes, including the length of time for which the Orders were authorised. This work is ongoing.

We were also asked by a judge for the Commissioner's opinion in a specific case on the law, policy and practice relating to the use of Anti-Social Behaviour Orders in Scotland. We provided the Court with a statement from the Commissioner which outlined the human rights concerns, and the case settled in favour of the care experienced young person.

## HMIPS YEAR OF CHILDHOOD PRE-INSPECTION SURVEY 2021

HM Inspectorate of Prisons for Scotland (HMIPS) piloted a [health and wellbeing pre-inspection survey](#) on the under-18 population in HMP YOI Polmont and Maria Galli, our Legal Officer, helped conduct the research. Of 18 eligible children, 13 took part and analysed 14 aspects of life in prison.

The children told the survey that their basic human rights were being met but their psychological, educational, social, and cultural needs are often overlooked while in custody and 46% said they felt stressed and anxious all the time. Although every child felt that staff cared for them and treated them with respect, only half of the children knew what their rights were.

No child should be in prison. The lives of children in custody are often marked by family breakdown, separation, and bereavement, and they are likely to have experienced abuse or neglect. There must be an urgent commitment to review and amend policy and legislation to ensure that, where a child does need to be deprived of their liberty, it is in an environment that meets their needs and respects all of their human rights.

### KNOW YOUR RIGHTS WHEN ENTERING CUSTODY

If you are under 18 and in custody, you still have human rights. No matter who you are or what you have done, you have the right to be treated fairly. That means you should get all the things you are entitled to and you should not be discriminated against if you are taken into police custody. In October, along with CYCJ, we produced a resource developed with young people currently in HMPYOI Polmont, as part of Youth Justice Voice's Inside Out participation project, called [Know Your Rights When Entering Custody](#). We also have [Vietnamese](#), [Arabic](#), and [Polish](#) translations available.





## CHILDREN IN PRISON

The Chief Inspector of Prisons, Wendy Sinclair-Gieben, submitted a proposal to the Scottish Government in March on removing children from prison custody. Our office collaborated with the Chief Inspector on the proposal prior to publication, and helped plan and support media and communications after it was published. We are united in the view that prison is never appropriate for a child; it is a breach of their human rights, and can result in tragic consequences. Every child in the justice system has the right to be treated with dignity, humanity, and in a way that considers their age, their view, and best interests. Taking away a child's liberty must only ever be done as a last resort, for the shortest possible time and should always be in an age-appropriate facility. Instead of prison, children should be placed in secure care, if necessary, to keep themselves and others safe. The Scottish Government should immediately act to implement Wendy Sinclair-Gieben's proposals.



## CHILD VICTIMS OF HUMAN TRAFFICKING

We continued to express concerns to the Scottish Government, Crown Office and Procurator Fiscal Service (COPFS), and Police Scotland about the adequacy of existing legal and practice protections for child victims of human trafficking in the justice system. In particular, we were alarmed to discover that a number of victims were being held on remand in Polmont YOI. No child should be in prison, least of all a child who has committed an offence in the course of having been trafficked or exploited. We supported legal representatives and local authorities in individual cases, and worked with COPFS to revise the Lord Advocate's Instructions for Prosecutors when considering Prosecution of Victims of Human Trafficking and Exploitation. However, we consider there is more work required in this area before Scotland can confidently claim to be complying with its obligations in terms of the non-punishment principle.



## ACCOMMODATION OF ASYLUM-SEEKING MOTHERS AND BABIES IN GLASGOW

In April 2021, charities and grassroots organisations raised human rights concerns about mothers and babies being housed in wholly unsuitable accommodation. The bedsit accommodation in Glasgow's southside was run by the Mears Group on behalf of the Home Office and the families were placed there with the full support of Glasgow City Council and the Glasgow Health and Social Care Partnership (HSPC).

In June, we visited to view the accommodation and to hear from the mums and their children. We saw and heard first-hand that there was no space to feed their babies, limited washing and cooking facilities, and little support. Cookers and heaters in the rooms were placed close to babies' cots and it was not safe to let them play, crawl, or stand.

The living conditions posed a significant risk of violating the children's human rights, including the right to survival, safety and development; an adequate standard of living; the best possible health; family life, and the right to play.

Following discussions with the Mears Group, COSLA, and the HSPC, the Commissioner called for the mothers and babies to be rehoused and for Glasgow City Council, NHS Greater Glasgow and Clyde, and the HSCP to withdraw their support for the Home Office and Mears Group's placements in the unit.

Despite repeated assurances from the Mears Group that the mothers and their babies would be rehoused, there were still families living there in March 2021. We then published [our human rights report](#) into the issue and worked with partners; MORE, the Scottish Refugee



**"Now we have been moved, we are in better places, and we are at peace. We are really thankful. We cried every day, and needed someone to listen and support us, and now it's a big thank you. The accommodation we are in now is good, there's a lot of space. You can play with your baby on the floor, you can see your baby crawl, you can see the baby going from crawling to standing up and starting to walk. All the steps that a child has to develop when they are growing. I'm overwhelmed and I'd like to say a thank you to all the organisations who helped and to Mears for moving us."**

**Mum who was housed with her baby in the accommodation unit**



Council, Amma Birth Companions, and some of the mothers themselves to publicly highlight the human rights violations. All the mothers and babies were moved out by the end of April.

We were concerned that it took our intervention and almost a year for action to be taken on this. No child should live in conditions that violate their human rights and all refugee and asylum-seeking children must be treated with dignity and respect for their human rights.

We repeated our call to the Scottish Government to legislate urgently to create human rights-based statutory minimum housing standards for children.

## YOUTH FOOTBALL

We have continued our long-running work on youth football. We undertook significant engagement with the Scottish Football Association (SFA) and with other interested parties, including obtaining Opinion from Counsel which confirmed our view that the SFA's registration documents are contracts in terms of Scots law. In December 2021, we facilitated a roundtable discussion between the petitioners, the Scottish Football Association and the Scottish Government, in which we made clear the need for football clubs to operate in line with children's human rights, and that this could be enforced via legislation if necessary. In February, the SFA confirmed that it intended to implement in full the recommendation of the Public Petitions Committee on compensation payments, and that it would restrict the use of multi-year registrations to nine "elite" clubs. While this represents welcome progress, it is not sufficient.

We therefore began discussions with the Scottish Government about a legislative solution to protect child footballers from commercial exploitation. At a meeting in February, the Minister for Health and Sport, Maree Todd MSP, indicated that there was "no lack of desire" to legislate should it prove necessary and within devolved competence. The Minister subsequently wrote to FIFA to establish the need for domestic legislation. We are currently exploring this and other legal and political options to bring this matter to a successful conclusion.



## CHILD PROTECTION AND SAFEGUARDING

We have continued to work to ensure that children are protected from harm and violations of their rights. We contributed to Andrew Webster QC's Review into child protection and safeguarding failures at Scottish Borders Council. The report reflected a number of our long-standing concerns, including:

- the failure to treat inappropriate physical intervention/restraint as a potential safeguarding/child protection concern
- the need for more attention to be paid within child protection training to identification and response where harm is caused not by, or within, a family but by professionals exercising a duty of care
- the need for a rights-based approach, leading to creation of an environment and organisational culture in which individuals take responsibility for challenging and reporting inappropriate conduct
- the need to respect the rights of parents/carers to be promptly informed of conduct that impacts on the rights/welfare of their children, and the importance of recording incidents including physical intervention/restraint

We raised concerns with Aberdeenshire Council over its failure to properly investigate and respond to abusive and degrading messages posted by school staff about disabled pupils on WhatsApp. In particular, we made clear that it is unacceptable to deny parents information about their children's rights being breached at school. Unfortunately, this work remains ongoing.

We challenged the General Teaching Council of Scotland (GTCS) on its approach to child protection and safeguarding concerns raised in relation to teachers. This resulted in the Scottish Government's Child Protection Team working with GTCS to ensure that referrals were appropriately dealt with, and that messaging about GTCS' role and approach was clearer.

We have called for the National Child Protection Guidance to be reviewed in light of these issues and concerns.



## EUROPEAN NETWORK OF OMBUDSPERSONS FOR CHILDREN (ENOC)

The Commissioner is a member of the European Network of Children's Ombudspersons for Children (ENOC). It has 43 members from 34 Council of Europe Member States who meet every year to discuss issues that affect children's human rights across the continent and share good practices.

Commissioner Bruce Adamson was Chair from November 2020 until September 2021 and has played an important role in the Bureau, the leadership group of ENOC as Past-Chair since then. We have undertaken significant work to improve the functioning and performance of ENOC, and developed new ways of supporting ENOC members which was vital during the pressures of the pandemic. Throughout the year the Commissioner represented ENOC at international forums including the United Nations, Council of Europe (CoE), and European Union. Due to the pandemic, all of this engagement was online.

The Commissioner was actively involved in the development of the new children's rights strategies for the Council of Europe, working closely with the CoE Steering Committee for the Rights of the Child (CDENF).

The focus of ENOC's work in 2021 was [Covid-19 and children's rights: learning for the future](#). We met online in June for the annual spring seminar where we hosted two separate events. One was to discuss the synthesis report and draft position statement which led to the publication of a [ENOC Synthesis Report](#) "Mapping the impact of emergency measures introduced in response to the COVID-19 pandemic on children's rights in ENOC member states."

The other event we hosted was to discuss statutes. ENOC adopted the [Standards and Values](#) and [Sanctions](#) for the network, building on our work on the [Statutes](#) in 2020. This was a significant moment for the network, reflecting its growth and changes and the challenges in Europe with regression on human rights.

In September 2021, ENOC met in hybrid format – both online and in-person in Greece – for its [annual conference](#), adopting the following position statements:

- ENOC Position Statement ["COVID-19: learning for the future"](#)
- ENOC Position Statement on [« Violations of the Human Rights of Children on the Move in the context of pushbacks »](#)

In partnership with the Advancing Children's Rights in Strategic Litigation (ACRISL), we ran a seminar for ENOC colleagues to build capacity to take strategic litigations cases. In February, ENOC mobilised support for its member institution, the Parliament Commissioner for Human Rights of Ukraine, when Russia invaded Ukraine. It met urgently online to discuss how to protect and promote the human rights of children affected by the conflict, particularly separated and unaccompanied children and those in institutions, issuing two statements and creating three working groups to coordinate its response and ongoing support for children.

## WAR IN UKRAINE

The war in Ukraine has had a profound impact on children and young people, including Ukrainian children and families seeking safety in Scotland, Ukrainian and Russian children living in Scotland, and children more broadly in Scotland, who may be scared and distressed by the coverage of the war in the media.

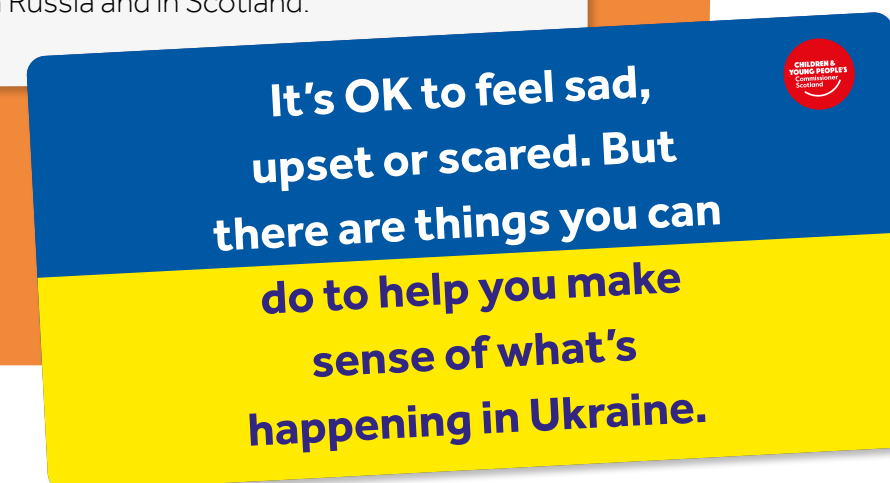
When the Russian invasion of Ukraine significantly escalated this year, we remained in close contact with our Ukrainian colleagues – strengthening our already close working relationship – to provide support to their work to promote and safeguard children's rights in Ukraine.

We led the initial ENOC response to issue [statements to European bodies](#) to ensure the protection of children and families seeking safety from the conflict, and developed a programme of work with the EU and supporting colleagues in countries receiving large numbers of children.

Alongside the other Children's Commissioners in the UK, we sent [a joint letter](#) to Prime Minister Boris Johnson about the UK Government response to the war and setting out what measures should happen to protect children immediately.

We also communicated to children about how and where to get help if they are affected by the war.

We created a [printable poster](#) from a 7 Word Story which was written by a child in Scotland in 2019, which says 'Rights Matter. You Matter. Don't Lose Hope.' It was translated into Ukrainian and Russian in a message of solidarity and hope to children affected by the war: in Ukraine, in Russia and in Scotland.





## WORLD HEALTH ORGANIZATION TECHNICAL ADVISORY GROUP ON SCHOOLING DURING COVID-19

The Commissioner joined the World Health Organization (WHO) Technical Advisory Group on Schooling During Covid-19 in 2020 and we have continued this work. The group – which covers Europe and includes scientists, public health experts, as well as rights experts – reviewed and analysed Covid measures in schools. The main aim of the group is to make sure children's lives and education were as unaffected and uninterrupted as possible by the virus. At the same time, they tried to ensure children and school staff's safety and keep transmission under control. In January, they published [eight recommendations](#), providing a framework for action for schools across the WHO European Region.

## UN COMMITTEE ON THE RIGHTS OF THE CHILD DAY OF GENERAL DISCUSSION

In September 2021, the UN Committee on the Rights of the Child held its Day of General Discussion on Children's Rights and Alternative Care. These discussions are held every two years to consider an issue of relevance to children's rights and brings together representatives of government, civil society, children's commissioners and children and young people from around the world.

Our submission on the challenges to human rights faced by care experienced children in Scotland informed the development of the day and raised awareness of priority issues regarding alternative care and children's rights.

Subsequently, the Commissioner was invited to speak in a panel and participate in a Q&A session on access to justice. His [speech](#) focused on access to justice and accountability for children and young people in alternative care, their families, and adults who grew up in care.

## CLIMATE JUSTICE

This year was an important one for our work on climate justice as Glasgow hosted the annual UN Climate Change Conference (COP-26). The climate crisis is a children's rights crisis and affects children's lives and rights in many different ways, including their rights to physical and mental health, education, adequate standard of living, play, and others.

The conference, which had been delayed for a year because of the pandemic, hosted 30,000 delegates and 120 world leaders and we had two major focuses of our work in climate justice:

- 1 Empowering children and young people engaging in climate activism
- 2 Ensuring that children can exercise their rights to protest and that children's human rights are respected, protected and fulfilled at protests, including at COP-26



## ONLINE AND IN-PERSON COP-26 EVENTS

The Commissioner attended a number of events in person and online and met children and young people and delegates attending COP-26 throughout the two weeks of the negotiations.

On 29 October, Bruce participated in The Moment at the Scottish Parliament where children and young people brought their climate concerns and ideas to MSPs in an event organised by Scottish Youth Parliament, Children's Parliament, and the Scottish Parliament.

On 3 November, Bruce was part of the panel at ROCKs event called Incorporation of the UNCRC: Lessons From Scotland to discuss UNCRC incorporation.

On the same day, he chaired Raising The Voices of Youth to Participate, a Holyrood Communications COP-26 Fringe Festival event. The panel discussed diversity and inclusion in climate change talks and decision-making.

Bruce was then interviewed in person by Ali Ridha, an Edinburgh Napier University student, to discuss children's rights. Themes that were explored were young people's right to protest, children's rights in Scotland, and the importance of sustainability. Bruce then took questions from school pupils, their teachers, and students.





**"Climate change is one of the biggest threats facing humanity today. A crisis that affects children's rights. Children and young people are particularly affected because our bodies are still developing."**

**"The climate crisis affects the rights to physical and mental health, life, survival, and development, culture, education and play, among others."**

**"Like many other children and young people across the world, in Scotland our education has often been impacted by government inaction on climate change. School children across the UK, especially in Scotland, have had to exercise our right to protest and miss out on school to get governments to listen."**

**Lily, Young Adviser**

## NO TIME TO WASTE TO EMPOWER AND PROTECT CHILDREN AND YOUNG PEOPLE'S RIGHTS TO CLIMATE JUSTICE

On October 30, 2021, children and young people from across Scotland, UN experts, civil society, and delegates participating in the United Nations [Conference of Youth](#) joined together in our event No Time To Waste to discuss empowering and protecting children and young people's rights to climate justice.

Speakers emphasised that the climate crisis is a children's rights crisis, and is affecting children and young people right now. Our Young Adviser, Lily, co-moderated the event.



## RESEARCH INTO BARRIERS FACED BY CHILD CLIMATE JUSTICE ACTIVISTS

We supported an LL.M. student at the University of Edinburgh, Caragh Aylett-Bullock, to conduct research on climate justice. Her work focused on the barriers that young human rights defenders engaging in climate justice activism face online and offline, and on the solutions they saw to such problems. This research informed the shape of our climate justice events and our engagement with authorities ahead of COP-26.

## CHILDREN'S HUMAN RIGHTS AT PROTESTS

Ahead of the Global Climate Strike on 24 September, the Commissioner [wrote to every Director of Education in Scotland](#), urging them to support children taking part in the global climate strike, stressing that children's right to peaceful protest should be respected by adults and that a key part of education is to ensure that children are supported to develop an understanding of human rights and a respect for the natural environment.

We participated in the Operation Urram Independent Advisory Group ahead of the policing of COP-26.

In October 2021, we sent [a letter](#) to Assistant Chief Constable Bernard Higgins, Police Scotland, Gold Commander for COP-26, urging that children and young people's human rights be respected, protected and fulfilled in the policing of peaceful protests and mass gatherings before and throughout COP-26. We also released [a public call](#) for police to ensure that children could protest peacefully at COP-26 and we spent time with protesters during the event.

## KNOW YOUR HUMAN RIGHTS AT PROTESTS

One concern that children and young people raised with us was knowing what their human rights are at protests. We developed [Under 18? Know Your Human Rights At Protests](#) ahead of COP-26. This was designed to inform children and young people of their rights at protests and was downloadable so people could have it with them. It includes information on rights when arrested or detained.

"It is important that we support children and young people who choose to climate strike. They must not be punished for doing so."

**BRUCE ADAMSON**  
Children and Young People's Commissioner Scotland



## INDEPENDENT CHILDREN'S RIGHTS INSTITUTIONS AROUND THE WORLD

We work with independent children's rights institutions around the world to share best practice and discuss children's rights issues. This year, this included joining Child Rights Connect and colleagues from Ombudsperson and non-governmental organisations in Moldova [to discuss the role of child human rights defenders](#) and promote the CHRDI Implementation Guide.

We also had meetings with the Australian Federal Children's Commissioner, Western Cape Commissioner for Children (South Africa) and the Office of the Children's Commissioner of Aotearoa New Zealand to share good practice and our Commissioner presented online lectures in Australia on the role of a Children's Commissioner. In November, the Commissioner joined an online event with colleagues in Japan, the UN Committee on the Rights of the Child Chair Mikiko Otani, and ENOC chair Theoni Koufonikolakou to promote the role of independent children's rights institutions.

The Commissioner and our Head of Strategy Gina Wilson contributed a chapter called Be Bold, Be Brave, Speak Out: The Role of the Children and Young People's Commissioner During the Pandemic in the journal [The Roles of Independent Children's Rights Institutions in Advancing Human Rights of Children](#).

Bruce was invited to join the International Expert Reference Group established to support the development of UNICEF's Global Guidance on Engagement with Independent Human Rights Institutions.

Compelling message from @UN\_EndViolence to decision-makers and participants at #COP26. Involve #children meaningfully in climate decision-making. "Change is not possible without involving children and youth as part of the solution." #NoTimeToWaste #COY16 @IICFStrath @coy16glasgow



3:01 PM - Oct 30, 2021 - TweetDeck





**"I was really excited to come up with a design for a new Scouts badge. I love drawing and design, so thought it would be fun. My design put the Human Rights logo at the centre of the badge, as it is already a recognised symbol. Like every Scout badge, my design has the Fleur de Lis on it. I also chose to put a map of the world in the background, because children from across the world all have rights. I hope all Cubs and Scouts like my design and are all looking forward to earning the Rights Challenge Badge as much as I am."**

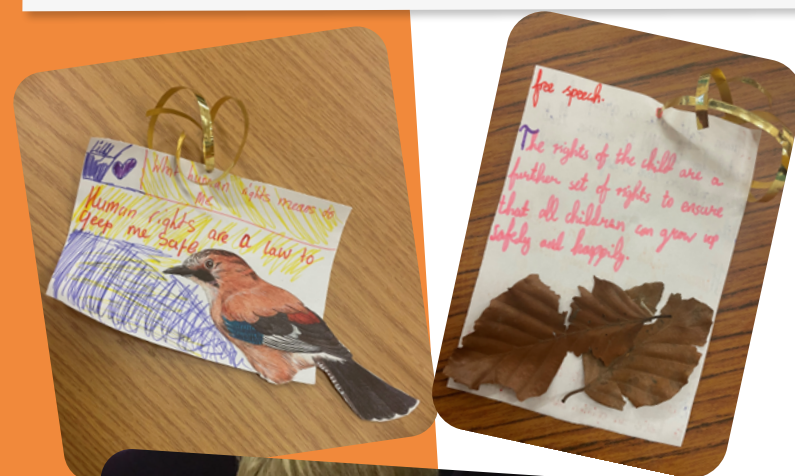
**Christopher, 10, Lenzie**



## RIGHTS CHALLENGE BADGE WITH SCOUTS SCOTLAND

This year we worked in partnership with Scouts Scotland to develop a Rights Challenge Badge for Cubs and Scouts aged eight to 14. Children have a vital role as human rights defenders and this badge helps Scouts learn about their rights and empowers them to defend their rights. The activities promote adult Scout leaders' awareness of children's rights and helps them embed rights into their practice.

Activities include creating a shield to highlight what rights they would defend; an interactive exercise to challenge decision-makers in their communities and beyond; and taking part in a fun, artistic representation of rights. Scouts from 1st Fordell Firs piloted the badge in December with the badge design chosen from a competition open to all members of Scouts Scotland. In February, the winning design was chosen by a panel that included our Young Advisers.



## ADVICE ON CHILDREN'S HUMAN RIGHTS

One of our aims when responding to enquiries is to ensure children's voices do not go unheard and their needs disregarded by offering a rights roadmap to help children, young people and those who care for them navigate a complicated and often frustrating complaints landscape.

In 2021/22 although substantially fewer enquiries were directly Covid-19 related, the continuing impact on services for children and young people was clear.

As ever, additional support for learning was the most commonly raised subject of enquiries. We particularly noted the widespread absence of Co-ordinated Support Plans for children with complex support needs as well as considerable difficulties obtaining those few that did exist.

Difficulties in accessing Children and Adolescent Mental Health Services (CAMHS) was evident in ever-growing waiting lists, difficulties around referrals, and shortfalls in provision. Inability to access mental health support was often associated with reduced hours of education and informal exclusions.

Frustratingly, 14 years after the office's report called Sweet Sixteen: The Age Of Leaving Care In Scotland, transition planning remains an issue, while support for young people moving on to adult mental health services was also conspicuous by its absence.

Children's voices continue to be muted, if not altogether absent, in legal proceedings. Despite the Scottish Government's Modernising Family Justice Strategy and the provisions in the Children and Young People (Scotland) 2020 Act, we were told again and again that children's views are still missing in family court proceedings. There were complaints about the quality of reports, court reporters having no direct contact with the children concerned, and children's views not being reflected in decisions.



## SPIRIT OF SPRINGBURN

We were contacted on behalf of the Springburn Youth Forum, who had secured funding to develop a patch of derelict waste ground near Springburn Academy in Glasgow. They had designed a small park featuring community recycling facilities, habitat for wildlife and social space. However, they were struggling to navigate the complex planning system and were at risk of losing the funding if they weren't able to make progress. We used our legal community contacts to help them obtain pro bono advice and representation from industry experts and specialist solicitors. We are very grateful to Elaine Farquharson-Black and George Sismey-Durrant from Brodies' Planning and Environment team, and Stephen Govan, Director of Ingram Architecture and Design, who were able to provide advice and assistance to ensure the project could progress and the funding was not lost. We continue to support the group in getting their project over the line by helping them access further advice and support.



## MINORITY ETHNIC EMERGING LEADERS INTERNSHIP

We were delighted to offer an internship to a young adult as part of the John Smith Centre Minority Ethnic Emerging Leaders Programme. The internship is a professional and personal development opportunity for 50 young people between the ages of 18 and 29 from minority ethnic backgrounds across Scotland. We welcomed Leah Duncan-Karrim to the team in October 2021 where she positively contributed to our work including on the Nationality and Borders Bill, our participation roadshow, and Languages Week Scotland.

### Our media releases this year have included:

Children's Commissioners in devolved nations appeal to UK Government to end 'discriminatory' two-child limit on benefits >>

Celebrate everything children and young people have achieved, says Children's Commissioner >>

Children's Commissioners in devolved nations urge UK Government to stop violating children's rights to an adequate standard of living >>

Don't punish children for taking part in climate action, urges Children's Commissioner >>

Commissioner responds to UK Supreme Court judgment today on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill >>

Police must allow young people to protest peacefully at COP-26, says Children's Commissioner >>



## COMMUNICATING ABOUT RIGHTS: MEDIA WORK

One of the key roles of the office is to make sure that children, young people, and adults know and understand about children's human rights. We work to influence meaningful change by highlighting a vast range of rights issues to a wide range of audiences, and we've created opportunities for young people's voices to be heard in the media and offered their perspective in as much of our media work as possible.

The Commissioner – and senior staff – have contributed to broadcast, print, and online on rights issues including impact of the pandemic, vaccinations, education, exams and assessments, mental health, poverty, climate justice, deprivation of liberty, rights of refugees and asylum seekers, and children's rights in the framework of Sustainable Development Goals.

## COMMUNICATING ABOUT RIGHTS: SPEECHES AND FILMING

Raising awareness of children's rights is a fundamental part of our work, and raising awareness of issues experienced by children whose rights are most at risk is especially important.

In May, the Commissioner filmed a video for the Scottish Commission for People With Learning Disabilities (SCLD) to celebrate Learning Disability Week. His film covered the importance of UNCRC incorporation to children with learning disabilities and their families.

The Commissioner discussed bullying and children's rights in a video for RespectMe in June. The film, aimed at an audience of teachers and parents/carers, will be used in two new online learning modules developed by the anti-bullying organisation.

The National Day Nurseries Association (NDNA) conference was held in the autumn. NDNA Scotland represents around 400 private nurseries in Scotland who deliver early years care to children from birth to the age of five. The Commissioner filmed a video for the conference emphasising how important early years practitioners are in realising a whole range of children's rights, what incorporation of the UNCRC will mean for early years, and inspiring practitioners to think about how it can be embedded in their work.

Bruce – with input from a Young Adviser – spoke at the Into Headship conference. An audience of 300 primary and secondary teachers, many of whom aim to become head teachers, heard about the UNCRC and the role of teachers in delivering rights. They were left inspired, energised, and feeling positive about their role in children and families' lives. Bruce emphasised that schools are more than just places to learn; they are communities and children should be at the heart of that community, and at the heart of decision-making in schools.

The Commissioner spoke about children's human rights at The Power Of Positive Relationships event held at the Technology and Innovation Centre at Strathclyde University in March. A few days later, he addressed the Bookbug conference about the impact the pandemic has had on children and how Bookbug is helping to support families as we emerge from Covid.



## OUR INVESTIGATIONS

The office Advice and Investigations team was created in 2017, and since then we have been using our investigation power to identify and address issues affecting children's human rights. When deciding to use our power we consider a range of factors and criteria including the scope, scale, and urgency of a potential rights breach; the vulnerability of the children involved; the resources and expertise we can commit; other work taking place on the issue; and the potential outcome. The Commissioner has the legal power to investigate situations where we are concerned that human rights promises to children and young people are not being kept. Our office's role is to hold people in power to account and take action when children's rights are breached.

### SECURE ACCOMMODATION

In June, we published our investigation into unlawful deprivation of liberty. [Statutory Duties in Secure Accommodation](#): Unlocking Children's Rights found that children may have been deprived of their liberty without due process of law. Our office called for the Scottish Government to urgently review practice to ensure compliance with legal duties and human rights.

The investigation – which was launched in December 2019 but disrupted by the pandemic – focused on whether local authorities were complying with the laws around placing children in secure accommodation. It found that some children's human rights had been breached because there was no evidence they had been consulted following the decision of a children's hearing to authorise secure accommodation. There was little communication provided to help

their understanding about why they had been detained, and crucially, many had not been told about their right to appeal.

Between 1 August, 2018, and 31 July, 2019, the investigation examined the cases of 118 children placed in secure accommodation across 27 local authority areas. They were detained for between 14 and 572 days. The research found that a significant number of these children may have been unlawfully held for at least part of their detention. Children in secure accommodation have a high level of need and vulnerability, which reinforces the need for their rights to be respected in the decision-making process.

Our latest investigation found children may have been unlawfully deprived of their liberty. Local authorities and the Scottish Government must urgently review practice to make sure they're complying with legal duties and with human rights.



Following the investigation, the Commissioner recommended that:

- Local authorities urgently ensure compliance with existing laws, and that they assess their policies and practices and compatibility with the European Convention of Human Rights (ECHR) and the United Nations Convention on the Rights of the Child (UNCRC).
- The Scottish Government, which has overall responsibility for the legal framework, reviews the law in light of its commitment to delivery of recommendations of Independent Care Review and implementation of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill.

We are proud that our investigation has made a positive impact to improve the secure care system. The findings and recommendations have already informed the discussions in Scottish Government about the future of secure care. From August 2022, the Care Inspectorate will undertake its Secure Care Pathway Review that is, in part, informed by our investigation's recommendations and our identified gaps in the system. It will focus on the experiences of young people living in secure, or on the edges of secure, and is due to report its finding in August 2023.

**"Secure accommodation should be reserved for those whose needs cannot be met in any other environment or place of safety. Decisions with such severe consequences are not taken lightly but we have found that in some cases they are being made without due process of law, which is in breach of children's human rights. It is critical that these children understand what is happening to them, that they are a key part of decisions that can impact the rest of their lives, and that they are told about their right of appeal."**

**Nick Hobbs, Head of Advice and Investigations**

**"All children deserve protection from all forms of abuse or harm, in all aspects of their lives. Children have the right to feel safe. They have a right to dignity, to bodily integrity, and to be protected from cruel, inhuman or degrading treatment."**

**Bruce Adamson, Children and Young People's Commissioner Scotland**

### RESTRAINT AND SECLUSION

In 2018, we investigated restraint (holding a child or young person to stop them moving) and seclusion (shutting a child or young person alone in a room and not allowing them to leave) and published our report [No Safe Place: Restraint and Seclusion in Scotland's Schools](#). We

made 22 recommendations as a result of this investigation and subsequently, along with the Equality and Human Rights Commission (EHRC), took the Scottish Government to court to ensure they were implemented.

This year, our investigation continued to have an impact, with work progressing on national guidance and recording. Along with other members of the Scottish Government's working group, we have continued to call for the national guidance to be put on a statutory footing as a matter of urgency. It must be based on a consistent legal framework that applies to all situations where children are in the care of the State, including schools, residential and secure care, and mental health provision. We have moved well beyond a position where this can be just an option for future consideration.





## GOVERNANCE AND RESPONSES

**We are a public body and we have statutory duties to ensure good governance. This year, we have once again had to reflect on our priorities, activities, and the way we work. The pandemic continued to have an impact on us, and we had to respond dynamically to meet its challenges.**

### ACCESS TO INFORMATION

Our office is committed to openness and transparency, particularly in relation to freedom of information and environmental information rights, where anyone can ask for and be given the information we hold, unless we can give a good and lawful reason for not providing it. We responded to 11 freedom of information requests in 2021-22. We responded to ten requests within the required 20 working days, with an average response rate of 16 working days. We provided a late response to one request, taking 21 working days to respond. We received two requests for an internal review, both of which were responded to within the required 20 working days. One request was the subject of an application for a decision to the Scottish Information Commissioner, who found that we had complied with the Freedom of Information (Scotland) Act in responding to the Applicant's request. We did not receive any requests for environmental information.

We are also subject to UK data protection law. This law gives everyone, including children and young people, more control over how their personal information is used, shared and stored. Importantly it also requires organisations, including our office, to be more accountable and transparent about how we use personal information. We have the support of a Data Protection Officer who is independent of our office. They check to see how well we are complying with data protection law, provide us with advice, and issue recommendations on how we can best meet our data protection obligations.

### WHISTLEBLOWING REPORT

In the year ending March 2022, we received two whistleblowing disclosures, both linked to one local authority. Both were stark illustrations of not just the importance of the right to complain, but of the need for robust, rights-based, transparent complaints procedures to ensure that children and young people and their parents/carers can make well-informed decisions.


### CORPORATE PARENTING

The Commissioner is defined as a corporate parent by the Children and Young People (Scotland) Act 2014 and we also have duties to support care experienced children and young people up to the age of 21 under the Commissioner for Children and Young People (Scotland) Act 2003, which set up our office.

As mentioned previously on P32, the Commissioner spoke at the UN Committee on the Rights of the Child's Day of General Discussion on Children's Rights and Alternative Care, in his role as Chair of the European Network of Ombudspersons for Children. We have continued to work to improve the ways in which we engage with a range of care experienced children and young people across all our policy and participation work, as part of our work to realise [The Promise](#). Examples of this include our ongoing work on implementation of the Children (Scotland) Act 2020; our work on Covid recovery, including our evidence to the Covid Recovery Committee; and in November 2021 the Commissioner gave evidence to the Scottish Parliament's Education, Children and Young People Committee on the impact of Covid-19 on children with additional support needs and care experienced young people.







When we use the term 'BSL users' we mean deaf and/or deafblind people (those who receive the language in tactile form due to sight loss) whose first or preferred language is British Sign Language.

## BRITISH SIGN LANGUAGE ACT

We continue to monitor our promises made to young British Sign Language users in our BSL Plan 2018-2024. Remaining guided by a young person who told us that "rights are help, before you even ask", we were restricted for most of the year to online events but we ensured our open public events, such as those around COP-26 included BSL interpreters. This was to provide equity of access to the information for BSL users who wanted to attend. This year we expanded our team BSL language skills with a further member of staff completing a BSL course with Deaf Action, and we commit to more staff members being offered the opportunity to do this in the next year.




## DELIVERY PLAN UPDATE

This year the coronavirus pandemic continued to impact our Delivery Plan. This was most keenly felt in our participation activities with face-to-face work with children and young people across Scotland being hugely challenging. We mainly worked with our Young Advisers online, rather than in-person. Our Participation Roadshow activities began in November 2021, and we remained flexible, moving some of those sessions online as Scotland went into a third wave of the pandemic.

As an office, we are aware of the pressures of working within human rights and the impact on our team with the added stresses of the pandemic. We continued to promote our health and wellbeing support to the team, including access to our Life and Progress Employee Assistance Programme.

## WORKING PRACTICES

For much of the reporting year, in line with Covid-19 Scottish Government guidance, the office was only open for essential work that could not be done remotely. In February, the office reopened and we began trialling a flexible hybrid working style where colleagues can use the office as well as work remotely.



## INTERNATIONAL SUBMISSIONS

**May 2021:** UN Special Rapporteur on the rights to freedom of peaceful assembly and of association [>>](#)

**June 2021:** Good practices on defending the rights of environmental human rights defenders

**June 2021:** Submission to United Nations Committee on the Rights of the Child: Children's Rights and Alternative Care [>>](#)

**July 2021:** UN Special Rapporteur on the rights to freedom of peaceful assembly and of association on the promotion and protection of human rights in the context of peaceful protests during crisis situations [>>](#)

**July 2021:** European Social Charter: Health, Social Security and Social Protection

**September 2021:** Submission to United Nations Office of the High Commissioner for Human Rights [>>](#)

**December 2021:** High-Level Political Forum inputs: Children's Rights and the 2030 Agenda for Sustainable Development [>>](#)

**March 2022:** Universal Periodic Review: Commissioner's Report [>>](#)

**March 2022:** Universal Periodic Review: Young Advisers' Report [>>](#)

## LIST OF CONSULTATION RESPONSES AND EVIDENCE TO PARLIAMENT

**APRIL 2021**

Competition and Markets Authority consultation response: [Children's social care market study](#)

**MAY 2021**

Home Office consultation response: [Home Office immigration plan](#)

House of Commons Work and Pensions Committee oral evidence: [Children in poverty measurements and targets](#)

**JUNE 2021**

\* Scottish Parliament MSP briefing: [Scottish Parliament Education debate](#)

**JULY 2021**

Scottish Government consultation response: Regulation of child contact services

Scottish Government consultation response: [Registers of child welfare reporters, curators ad litem, and of solicitors who may be appointed when an individual has been prohibited from conducting their case themselves](#)

**AUGUST 2021**

\* Scottish Parliament Covid-19 Recovery Committee oral evidence: Business planning day, Covid-19 equality and human rights scrutiny

**SEPTEMBER 2021**

House of Lords Public Services Committee oral evidence: [Role of public services in addressing child vulnerability](#)

Scottish Government consultation response: [Tackling child poverty delivery plan, 2022-2026](#)

Scottish Parliament Criminal Justice Committee oral evidence: [Prisons and prison policy roundtable discussion](#)

**OCTOBER 2021**

Scottish Parliament Criminal Justice Committee Commissioner's letter: [Children in conflict with the law](#)

**NOVEMBER 2021**

Scottish Government consultation response: [National Care Service](#)

\* Scottish Parliament Education, Children and Young People Committee oral evidence: [Additional Support Needs and Care Experienced Young People \(Impact of Covid-19\)](#)

Scottish Government consultation response: [Covid recovery: public health, services, and justice system reforms](#)

\* Professor Ken Muir consultation response: [Education Reform](#)

**DECEMBER 2021**

Scottish Parliament Rural Affairs, Islands and Natural Environment Committee written evidence: [Good Food Nation \(Scotland\) Bill](#)

Scottish Parliament Health, Social Care and Sport Committee written evidence: [Inquiry into the health and wellbeing of children and young people](#)

\* Scottish Parliament Delegated Powers and Law Reform Committee written evidence: [Inquiry into the use of the Made Affirmative Procedure during the coronavirus pandemic](#)

**JANUARY 2022**

Scottish Government consultation response: [Ending the need for food banks, a draft national plan](#)

**FEBRUARY 2022**

Scottish Government consultation response: [Policy position paper on cross-border placements of children and young people](#)

Scottish Government consultation response: [Assessment of Wellbeing \(GIRFEC\)](#)

Scottish Parliament MSP briefing: [The Nationality and Borders Bill: The Commissioner's position on age assessment proposals](#)

Scottish Parliament consultation response: [Proposal for a Right to Food Bill](#)

Scottish Parliament Civic Participation and Public Petitions Committee written evidence: [Ban school uniforms in secondary school](#)

\* Scottish Parliament Education, Children and Young People Committee and Covid-19 Recovery Committee briefing: [Coronavirus Recovery and Reform \(Scotland\) Bill](#)

Scottish Parliament Equalities, Human Rights and Civil Justice Committee oral evidence: [Family law roundtable discussion](#)

**MARCH 2022**

\* Scottish Parliament Education, Children and Young People Committee oral evidence: [Coronavirus Recovery and Reform \(Scotland\) Bill](#)

UK Ministry of Justice consultation response: [Human Rights Act reform](#)

\* **COVID-RELATED**

The Financial Position

The Scottish Parliament allocated the Commissioner a budget of £1,374,000 for the financial year 2021-22 (2020-21: £1,211,000)

The Commissioner drew down £1,216,719 (2020-21: £1,086,933).

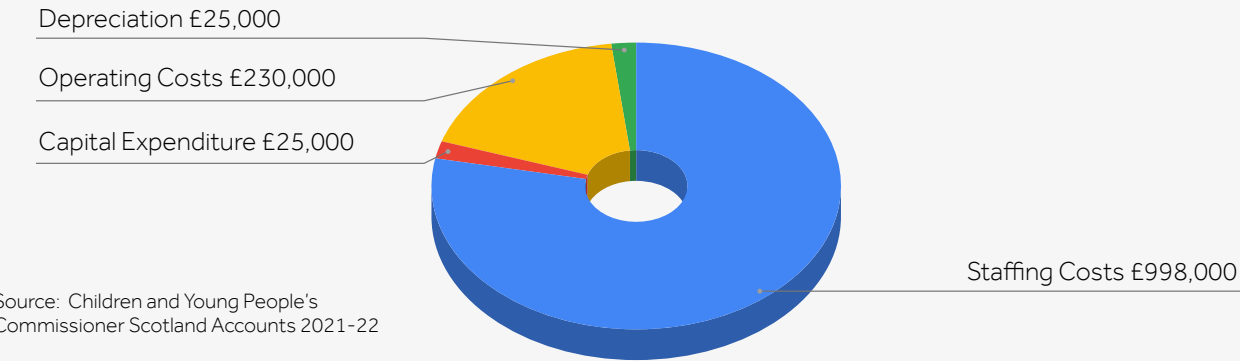
|                                      | 2021-22      | 2021-22      | Variance    | 2020-21      |
|--------------------------------------|--------------|--------------|-------------|--------------|
|                                      | Budget       | Expenditure  |             |              |
|                                      | £'000        | £'000        | £'000       | £'000        |
| Net operating costs per the accounts | 1,372        | 1,253        | -119        | 1,076        |
| Capital additions                    | 2            | 19           | 17          | 35           |
| <b>Total expenditure</b>             | <b>1,374</b> | <b>1,272</b> | <b>-102</b> | <b>1,111</b> |
| <b>Adjustments</b>                   |              |              |             |              |
| Non-cash items                       |              | -25          | -25         | -14          |
| Working Capital (including cash)     |              | -30          | -30         | -10          |
| <b>Cash funding from SPCB</b>        | <b>1,374</b> | <b>1,217</b> | <b>-157</b> | <b>1087</b>  |

The annual accounts are prepared on an accruals basis meaning that expenses are recognised in the period in which they were incurred rather than when the cash payment is made.

On this basis, the Commissioner’s expenditure on operating activities for the year ended 31 March 2022 totalled £1,253,000 (2020-21: £1,076,000). This was on staffing costs £998,000 (2020-21: £866,000), other operating expenditure £230,000 (2020-21: £196,000) and depreciation and amortisation £25,000 (2020-21: £14,000).

Other income for the year was £0 (2020-21: £0). £25,000 (2020-21: £35,000) was spent on capital additions during the financial year as detailed in note 5.1 to the Accounts. Excluding notional expenditure (depreciation and amortisation) of £25,000 total expenditure was £1,247,000.

Net Expenditure 2021-22

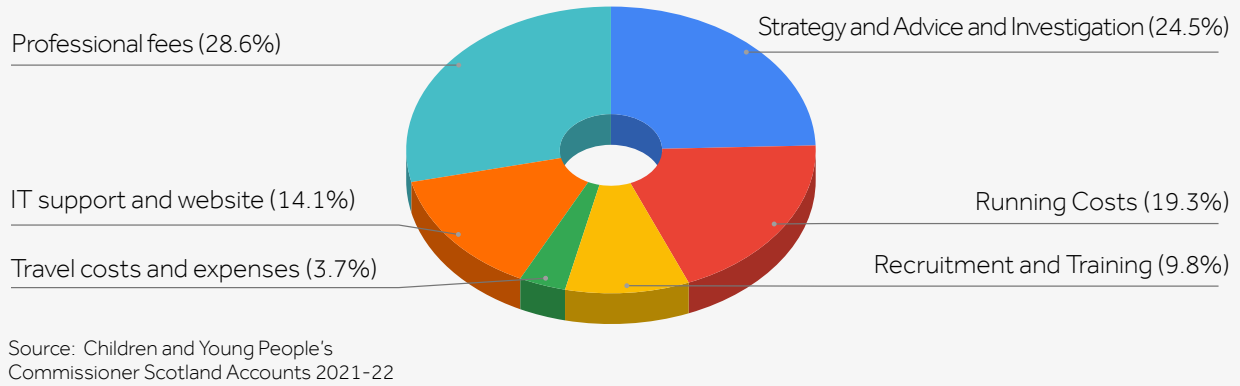


Operating Activities 2021-22

The chart below illustrates the cost of operating activities by category of expenditure. Excluding staffing costs of £998,000, capital expenditure of £25,000 and depreciation of £25,000, other operating expenditure amounted to £230,000. These were spent on the following categories:

- Strategy and Advice and Investigation (24.5%) are our core activities and include all our participation and promotion work undertaken in fulfilment of the general function of the Commissioner.
- Running Costs (19.3%) includes all normal office running costs, for example, broadband, telephones including mobiles and equipment maintenance.
- Recruitment and Training (9.8%) includes costs of investing in both the individual and staff teams.
- Travel costs and expenses (3.7%) includes costs incurred both by the Commissioner and the staff team (2020-21: 1%) which reflects the ongoing difficulties in travel in 2021-22 as a result of the coronavirus pandemic.
- IT support and website (14.1%) includes the cost of support and maintenance of our IT and website.
- Professional fees (28.6%) include the costs of legal, audit, accountancy fees and payroll services. This also includes the professional fees attributed to the work of the Advice and Investigations Team

Cost of Operating Activities 2021-22



A full copy of the Annual Accounts 2021-22 can be obtained on request from Children and Young People's Commissioner Scotland and are printed in full on [www.cypcs.org.uk](http://www.cypcs.org.uk)



## THE YEAR AHEAD

We are looking forward to another busy, productive year, particularly as this will be the last full year of the current Commissioner's term. Bruce's six-year tenure has been marked by the pandemic and it's easy to think of the office's work during this time as being split into pre-Covid and then everything else that followed. There will be no let-up in this final year. We will, as always, strive to be the best defenders of children's rights that we can be and uphold our values of participation, respect, leadership, bravery, and independence.

It's an exciting time for us as it's our 18th birthday in 2022. The office has been working to safeguard and promote children's rights for an entire childhood.

Children and young people were at the centre of our celebrations in April with a reception at the Scottish Parliament. Two of our Young Advisers, Lewis and Paige, hosted the evening with the Scottish Parliament's Presiding Officer, Alison Johnstone MSP, and other Young Advisers helped showcase the work we have done at special stalls. The Commissioner, and his predecessors Professor Kathleen Marshall and Tam Baillie, were joined by children, young people, MSPs, and representatives of organisations we have worked closely with over the years.

The three Commissioners also came together to record a three-part podcast, reflecting on the office's achievements, challenges, and what has changed for children's rights in those 18 years. All the questions were submitted by children and young people, and we worked with young people from Big Noise/Sistema Scotland to create the music for the podcast. There will be full details of our celebrations in next year's Annual Report.



As the office moves into its adulthood, the priorities will remain the same. We'll also be preparing for transition as recruitment for the next Commissioner will start over the next few months. We'll be advocating for children and young people to be involved in all aspects of that recruitment process.

Children and young people's views and experiences remain at the heart of our own work. Our roadshow will evolve into a participation and engagement programme and we are excited to build on our digital and face-to-face work. We will be speaking to a wide range of children and young people, particularly those whose rights are at risk or who don't often have a platform from which to be heard.

Our thematic focuses on mental health, poverty, and climate justice remain. We have consistently said that pandemic recovery needs to be rights-based and we will continue to press and influence decision-makers as we work on the impact of Covid on children's rights. The input of our Young Advisers – including our Mental Health Investigators – will help shape that work and we look forward to continuing our collaboration with the Poverty and Inequality Commission. Poverty is the most significant human rights issue



**"The office is turning 18 this year, and has been around for the equivalent of an entire childhood. Our work evolves, but our commitment never falters. In the words of one child's 7 Word Story to mark the 30th anniversary of the UNCRC, we'll continue to: 'Stand tall. Be brave. Think big. Believe!'"**

**Bruce Adamson, Children and Young People's Commissioner Scotland**



**"This year, we can't wait to push ourselves, take every opportunity that comes our way, and generally keep fighting for children's rights."**

**Young Advisers Group**

in Scotland and we will continue to push the governments at Westminster and Holyrood to realise the rights of children living in poverty.

We will continue to focus on our key legislative priority of incorporation of the UNCRC and urge the Scottish Government to address the amendments required by the Supreme Court to pass the UNCRC (Incorporation) (Scotland) Bill. We need prompt and concrete action. This delay is unacceptable, but we now finally have hope that children's rights will be protected in law. And, as the UK Government threatens to replace the Human Rights Act with a Bill of Rights, we will continue to protect the rights that are already enshrined in law.

Our work on children in conflict with the law will include holding the Scottish Government to account for its failure to meet its obligation to immediately raise the age of criminal responsibility to at least the international minimum. We will work towards ensuring that

the age is raised in line with international best practice. We will seek to escalate the timetable for the abolishment of the imprisonment of children and the extension of the children's hearings system to 18.

We will continue to build our strategic litigation capacity, and further develop the model for involving children and young people in the use of our investigation powers.

We also have international obligations. In December, along with our counterparts across the UK and Northern Ireland, we will report to the UN



Committee on the Rights of the Child as part of its periodic examination of the UK's progress in children's human rights. We will ensure that children's rights are at the forefront of other human rights mechanisms such as the UN Human Rights Council's Universal Periodic Review and work with other treaty bodies. We will continue to link our European neighbours' human rights work with our own through ENOC and support young people from across the continent to team up with peers from other countries on human rights issues through ENYA. The ENOC theme for the first half of the year will be a continuation of our work on climate justice, and in the later part of the year we will move to focus on the role of Independent Children's Rights Institutions. And, of course, we will continue our work supporting colleagues in Ukraine and to Ukrainian children who have come to Scotland seeking refuge from the Russian invasion.

This year has shown how fragile human rights protections can be. We will continue to champion and safeguard children's human rights in every single thing that we do.







## TEAM (APRIL 2021 TO MARCH 2022)

### Commissioner

Bruce Adamson

### Young Advisers

Abi, Aby, Ally, Aurelia, Ben, Benny, Beth, Chloe, Emily, Emma, Eve, Faye, Fin, Finlay, Ibukun, Innes, Imaan, Izzy, Jamie Louise, John, Kara, Lewis, Lily, Marcus, Naayela, Paige, Penny, Petra, Raine, Rebecca, Rennie, Scott, Sol, Sophie

### Advice and Investigations

Nick Hobbs, Head of Advice and Investigations

Maria Galli, Legal Officer (Investigations and Strategic Litigation)

Linda Ellis Macdonald, Advice and Investigations Officer

### Corporate Services

Nicola Vallance-Ross, Head of Corporate Services

Judith Chisholm, Executive Assistant

David Docherty, Corporate Services Officer

Nicola Harris, Finance and Administration Assistant

### Strategy

Gina Wilson, Head of Strategy

Cathy Begley, Participation Officer (PT)

Kevin Browne-MacLeod, Participation Officer (Fixed Term)

Megan Farr, Policy Officer

Helen Griffiths, Policy and Engagement Officer

Gillian Munro, Information Officer

Cameron-Wong McDermott, Policy Officer

### Communications

Ezmie McCutcheon, Head of Communications

Louise Baillie, Media and Communications Officer (PT)

Robert Shepherd, Digital Media Officer (PT) (until September 2021)



## OUR THANKS

**We want to thank every single child and young person who has engaged in our work, and the organisations and adults who, in many cases, have supported them. The best part of our work is listening to children and young people and whether we do that virtually or in-person, the enthusiasm, the ideas, and the experiences they bring as young human rights defenders are simply inspiring.**

**This year – the second year of the pandemic – has been tough for everyone but once again children and young people have been incredible. We have been amazed by their resilience, their determination, and the sacrifices they have made in their own lives to keep others safe.**

**A final, massive thank you to our group of Young Advisers. It's your first year with us and you have grabbed the opportunities that have cropped up, and we have learned so much from you along the way. Here's to another great year championing children's rights together.**



Bridgeside House

99 McDonald Road

Edinburgh EH7 4NS

Tel: 0131 346 5350

Young Persons' Freephone: 0800 019 1179

Email: [inbox@cypcs.org.uk](mailto:inbox@cypcs.org.uk)

[cypcs.org.uk](http://cypcs.org.uk)

[Twitter @cypcs](https://twitter.com/cypcs) [Instagram @cypcs](https://www.instagram.com/cypcs) [Facebook /cypcs](https://www.facebook.com/cypcs)

If you would like this document in another format, please let us know.