

**CHILDREN &
YOUNG PEOPLE'S**
Commissioner
Scotland

Annual Report 2015-16

RIGHTS exist to help you
live a happy life. They
keep you safe and make
sure you are treated fairly
and cared for properly.





We asked children and young people to make a film to tell the story of our year. Editorial decisions, scripting, interviews and filming are all down to the hard work of Rameez, Nyomo and Mia with voiceover support from Caitlin and Finn.



Young people working with Deaf Action have been supported to learn the skills to present this film in BSL.

[Watch the film](#)



What the Commissioner does...

The Children and Young People's Commissioner promotes and safeguards children's rights in Scotland. Children's rights are enshrined in the United Nations Convention on the Rights of the Child (UNCRC), an international law which the UK signed up to in 1991.

The Commissioner's job includes:

- Raising awareness of children's rights
- Considering law, policy and practice that concern children's rights
- Communicating best practice about children's rights
- Involving children and young people in the work of the office
- The Commissioner works for all children and young people under the age of 18, or up to 21 if they are care experienced.

Corporate Parent

The Commissioner has Corporate Parenting duties under the Children and Young People (Scotland) Act 2014.

A corporate parent is the name given to an organisation or person who has special responsibilities to care experienced and looked after children and young people.

Who the Commissioner is...

The current Commissioner is Tam Baillie who took up the post in 2009. With each Commissioner working to an eight-year term, a new Commissioner will start in May 2017.

The Commissioner works with a team of people who support the work across policy, participation and education, communications and corporate services.

Click [here](#) to find out more

This Annual Report covers the period April 2015 - March 2016.

The Commissioner's four strategic aims for 2012-2016:

1

To maximise the impact of the United Nations Convention on the Rights of the Child (UNCRC) in Scotland.

2

To influence and promote the effective and sustainable involvement and widespread participation of children and young people in Scotland's society.

3

To promote and safeguard the rights of children and young people, particularly the rights of vulnerable groups, through policy scrutiny and by supporting good practice.

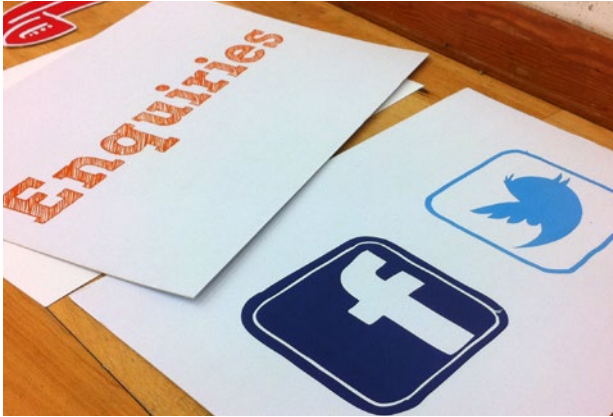
4

To ensure that the office of the Commissioner is efficient, effective and fit for purpose.

You can read about our strategic aims and key themes for 2016 – 2020 [here](#) and see our infographic [here](#)



Listen to the Commissioner's
Strategic Plan podcast



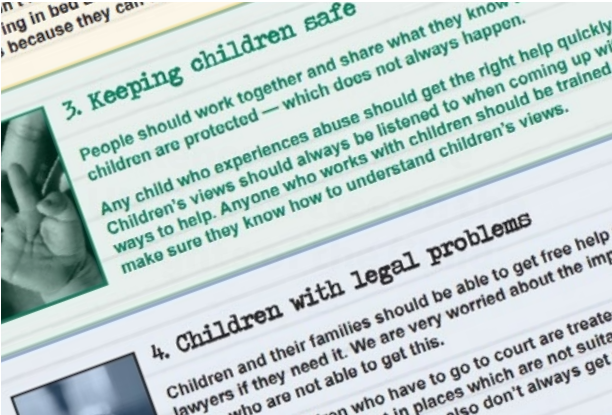
Participation
& Education



Policy



Corporate Services



Finances



An abstract artwork featuring a thick, dark brown tree trunk that branches out towards the top left. The background is a vibrant mix of orange, red, and yellow, with splatters and brushstrokes of blue, purple, and white. Several stylized autumn leaves in bright yellow and orange are scattered throughout the composition.

We want children and young people to understand their rights, experience their rights and exercise their rights, every day of their lives.

Welcome to our report

Tam Baillie, Commissioner

It has been another busy year, as 2016 marks the end of a four-year Strategic Plan and the preparation for the next four years.

The new Strategic Plan includes our duty as a Corporate Parent and a new work stream on mental health. The plan will be further informed by the UN Committee on the Rights of the Child's Concluding Observations and the work of other treaty bodies commenting on human rights in Scotland. There is a reliable and strong evidence base of where Scotland is making progress and where we need to do better in children's rights in Scotland.

Planning for the future continues as I am in my penultimate year as Commissioner and it is important that long-term consideration is given to the transition to a new Commissioner in 2017.

It has already been a period of transition for the other UK Commissioners with new appointments in England, Northern Ireland and Wales. Our offices continue to work together to use our collective voice to further children's rights issues. This year was particularly significant and as a group, we reported to the UN Committee on the Rights of the Child as part of the scrutiny of the UK Government's performance in the realisation of children's rights. This has been complemented by well-coordinated work among NGOs in Scotland presenting evidence to the Committee – all of which has influenced the Concluding Observations of the Committee which was published in May 2016.



There is a reliable and strong evidence base of where Scotland is making progress and where we need to do better in children's rights in Scotland.



We have also been preparing for when the office will be given additional powers of investigation.



We have also been preparing for the implementation of Part 2 of the Children and Young People (Scotland) Act 2014, when the office will be given additional powers of investigation. I am absolutely committed to maximising the chances of establishing a firm basis for this new function of the office to commence operation in 2017. [See more of the Act](#)

I believe this to be a positive indication that matters that were previously highlighted as areas of concern are now receiving attention in terms of action and implementation as you will see in this report.

**Tam Baillie
Commissioner**

**[Visit our website
to see all our work](#)**

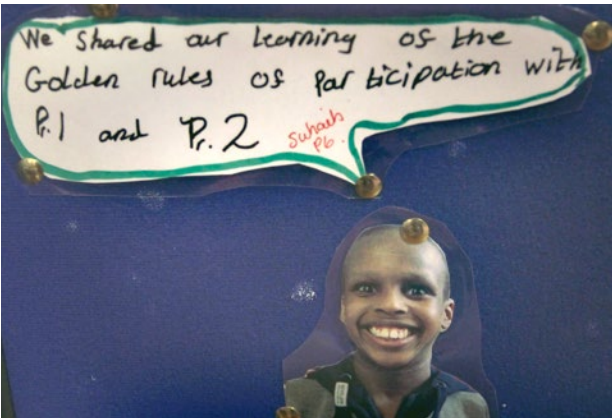
This year, I had a highly rewarding period as the Chair of the European Network of Ombudspersons and Commissioners for Children (ENOC), which involved representing the network in meetings and speaking engagements in Europe.

It is very encouraging that as an office we are represented on a wide range of Scottish Government led and other working groups to progress key issues in respect of children's rights.





**Participation
& Education**



Information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes.

How the UN Committee on the Rights of the Child, in their [General Comment on The Right of the Child to Be Heard](#), defines participation.

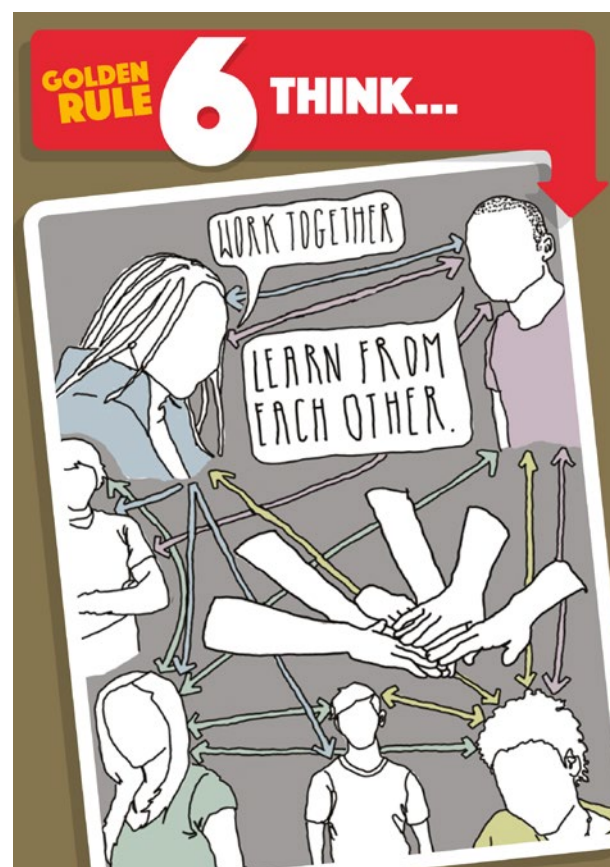
Our Participation and Education team work to ensure that Scotland’s children and young people have a chance to communicate with the Commissioner and talk about the issues that matter to them. The team work directly with children and young people within schools and other youth work settings and also gather their views through networks and other organisations who work with specific groups.

Participation Statement
The Commissioner published an updated statement on rights and participation in December 2015, which set out why we believe it is so important that children and young people are able to contribute to and participate fully in decisions affecting them, and that adults recognise the value of involving children and young people in decision-making, and are skilled in enabling them to do so.





The 7 Golden Rules of Participation help children and young people to understand their participation rights.



7 Golden Rules for Participation resource

To keep up with demand, we have now distributed 25,000 packs across the country. Including 10,000 in the last year alone.

This set of principles aims to support adults to understand what the United Nations means by participation, and what they should do when helping children and young people inform and take part in decision-making.

They can also help children and young people learn about their participation rights under Article 12 of the UN Convention on the Rights of the Child.

Following an independent evaluation of the resource, we acted upon helpful suggestions that the resource could be made more attractive to those working with secondary aged young people. Young people from

Fife helped us choose the illustrator, Charlotte Duffy from Waste of Paint Productions. Charlotte reimagined each Golden Rule in a new contemporary style and this visual style has made a distinctive impact on the resource. Now people working with children and young people are able to choose between different Golden Rules packs depending on the age and stage of the group they are working with. We also have our symbol supported resource developed last year.

Each Golden Rule also prompts 'Things to think about' for children and young people, and adults, to encourage discussion and reflection.

North Ayrshire Council was Scotland's first local authority to be given a Flushed with Success Award.

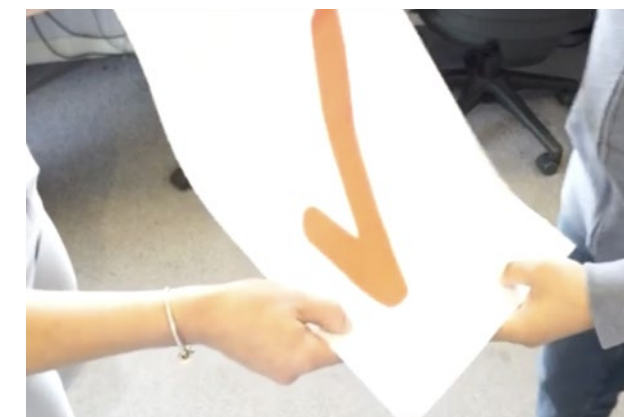
Flushed with Success

This is our campaign to ensure that the quality of school facilities for children is monitored and guaranteed, in the same way as for adults in the workplace. In this way, it looks to protect children and young people's rights to health, dignity, privacy and safety.

Last year, we welcomed the Scottish Government's commitment to produce new guidance for school toilets. We have asked the Scottish Government to ensure that children and young people review the draft guidance before it is published and that the guidance is also made compatible with the World Health Organisation Advancing Water, Sanitation and Health (WASH) Framework.

This year, the Commissioner presented Deanpark Primary School in Edinburgh with a Flushed with Success Award on 20th November 2015, which marked the anniversary of the UN Convention on the Rights of the Child and World Toilet Day. Having undertaken an Active Enquiry into their school toilets, the children learned that day that Edinburgh City Council's Capital Scheme is set to invest to refurbish four of the school's toilet blocks.

In January 2016, North Ayrshire Council was Scotland's first local authority to be given a Flushed with Success Award. North Ayrshire involved their Youth Council and Pupil Reference Groups in setting standards for school toilet design and in the production of guidelines for managing school toilets. The council has now also made financial investment in raising the standards of existing toilets.



Watch the school toilets in North Ayrshire film

WASH in schools Expert Group Meeting

We attended this meeting in Bonn in October 2015 to highlight the progress Scotland is making with regards to improving the standards of school toilets by using Flushed with Success and other initiatives. A film made by young people from North Ayrshire was presented to the international experts at this meeting.

Next steps

We will now refresh our campaign resources and will make them available online so that children and young people can continue to undertake active enquiries into their own school toilets. To complement the resources, we are also supporting a primary school in Edinburgh currently undertaking an Active Enquiry and using our 7 Golden Rules for Participation as a framework to make a film about their project that can inform and inspire others.

We worked with partners to influence the development of a pilot project to explore how to build a better human rights culture at a local level.

Contribution to Scotland's National Action Plan for Human Rights (SNAP)

SNAP is a roadmap for collective action, right across Scotland, to make all human rights a reality for everyone.

Our Head of Policy sits on the Leadership Panel of SNAP and other members of the team represent the office on the Better Culture Action Group and Better Lives – Justice & Safety Action Group.

Better Culture Action Group: Making Rights a Reality in Perth and Kinross Innovation Forum.

We worked with partners to influence the development of a pilot project to explore how to build a better human rights culture at a local level.

Through three participative events held in Perth and Kinross, the project brought people from the community and people from public sector organisations together to explore practical ways to realise human rights in their area.

The events were designed to promote collaborative, equal engagement between 'rights holders' and human rights 'duty bearers'. We advised the group on processes that would give equality to differences between those who have decision-making power, and those who have less power but are the experts in their own lives. We also advocated for children and young people to be supported to participate on equal terms with adults. We suggested that the local MSYPs from the Scottish Youth Parliament and young people and children from Perth and District YMCA should be invited to participate and provided the required support to enable them to do so.

Perth and Kinross Council is leading follow up work and the participative, collaborative planning approach used will be rolled out to other parts of Scotland next year.

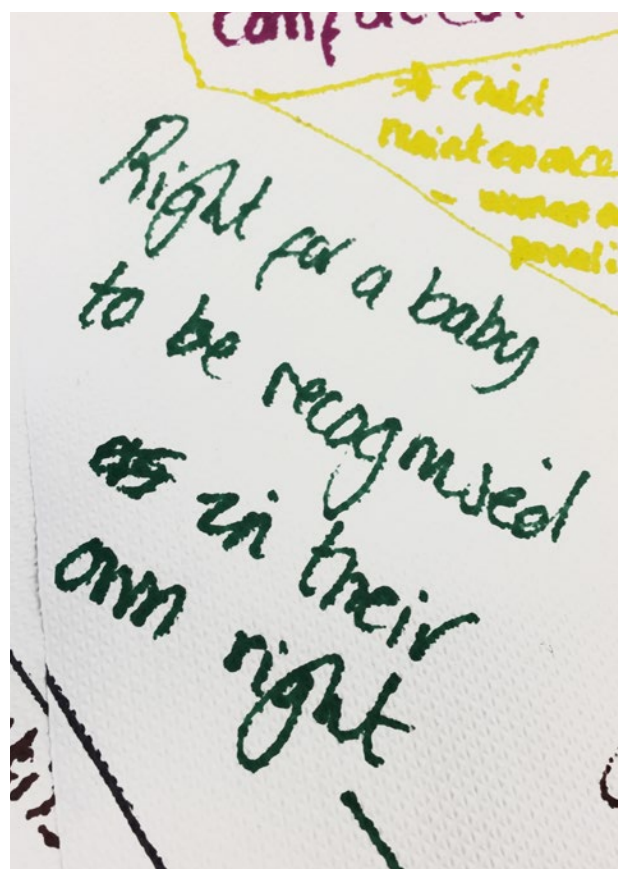
Gypsy Traveller Networks

This year we have been working to make strong links with organisations that work with young Gypsy Travellers. The Participation and Education team attended training sessions run by Gypsy Traveller young people and practitioners with further training planned for 2016. This has been invaluable to learn about the ways in which our office can meaningfully engage with the communities.

The children's rights workshops that we deliver now explicitly reference Gypsy Traveller children and young people. Throughout 2016, we will

visit schools that Gypsy Traveller, Showmen and Roma children attend to raise awareness of children's rights and importantly, to listen and learn more from the children and young people. We will continue to establish these key relationships with the schools and organisations working within these communities in the coming years.

The Participation and Education team attended training sessions run by Gypsy Traveller young people.



Babies have a powerful need to engage from the start and communicate. This helps to promote secure attachment and in doing so, we are laying the foundations for resilient children who see themselves having the ability to communicate and influence the world around them.

Tam Baillie, Commissioner

'Baby Blether'

This year we held focus groups for parents and carers of young babies. The purpose was to begin looking at how we can develop a creative conversation between under 3s and their primary caregivers.

The next stage will be to hold a Roundable event with experts and practitioners with experience of working with babies and families.

It is expected that this project will launch by March 2017.



Minority Ethnic Communities

We worked with [ROSHNI](#) to create a story around children's rights that was included in their SAFE story book series. Aiming to raise awareness and understanding of children's rights and the opportunity to spark discussion, this book was distributed to families within the ME communities.



Seven young people came together in a short-term 'Young Expert Group'.

Children and Young People's contribution to the new National Approach to Anti-Bullying

This year the Scottish Government wished to update their National Approach to Anti-Bullying for Scotland's Children and Young People. Originally published in 2010, the National Approach aims to help children, young people and parents know and understand better what support they can expect from professionals, and it reminds professionals what their duties and responsibilities are.

As well as sitting on the working group to help inform the Scottish Government what should be included in the updated National

Approach, we also worked in partnership with Youthlink and CELCIS (The Centre for Excellence for Looked after Children) to make sure that as many children and young people as possible could input their views to the government.

Seven young people aged between 16 and 23 with an interest in this area of policy were supported to come together in a short-term 'Young Expert Group' to create and direct the programme of consultation with children and young people across Scotland.

Over a series of sessions in September and October 2015, the group worked together to design a survey along with an accessible Activity Book which gave children and young people the opportunity to write and draw their answers to key questions more freely.

We have created this Activity Book – so that you can tell the Government what you think about their plans for a Scotland free from bullying, where children and young people feel safe, and are supported, included, respected and accepted.

Michael, Saffron, Alan, Megan, Esme, Louie and Kimberly
National Approach to Anti-Bullying
– Young Expert Group

The consultation ended in November 2015 with 1468 electronic responses and 195 workbooks submitted.

These responses will ensure that the voices of children and young people inform the final document which will be published by the Scottish Government in due course.

To see more of our Participation & Education work visit our website



Policy

1. Children's rights becoming the law



Scotland and Wales have taken steps in the right direction for Children's Rights to become part of the law, but all four countries are a long way away from doing this fully.

We are also worried about the possibility of the UK Government getting rid of the Human Rights Act. The Commissioners want to see children's rights at the heart of our legal system.

2. Child poverty

We are worried that too many children are living in poverty and that this will get worse. The amount of money to support the poorest families has also gone down.

Most children in poverty have at least one parent who is working but they still don't have enough money to support their family. Some families are living in bed and breakfasts and are having to get food from charities because they can't afford their own.



3. Keeping children safe



People should work together and share what they know to make sure children are protected — which does not always happen.

Any child who experiences abuse should get the right help quickly. Children's views should always be listened to when coming up with ways to help. Anyone who works with children should be trained to make sure they know how to understand children's views.

4. Children with legal problems



Children and their families should be able to get free help from lawyers if they need it. We are very worried about the impact on those who are not able to get this.

Also, some children who have to go to court are treated as if they were adults and are kept in places which are not suitable for them. In England and Wales children also don't always get the privacy they should have.

5. Mental health services

Not enough importance is placed by the UK Government on mental health services for children and young people. This often means those who need help can't always get it when they need it.

Children with mental health problems are sometimes told to stay in places only adults should stay.



The policy team work to make sure that the rights, interests and views of children and young people are at the forefront of people's minds when creating new legislation and policy.

Reporting to the UN Committee on the Rights of the Child

This year, the UK Government was examined on its progress in children's rights by the UN Committee on the Rights of the Child. We worked with the Children and Young People's Commissioners from England, Wales and Northern Ireland to produce a report for the UN Committee which set out our findings on the government's progress and included information on where there are differences for children and young people living in each of the devolved nations.

We published our report in July 2015 and in doing so called on the UK government to stop their cuts to welfare and benefit reforms which were adversely affecting the lives of children and young people.

Our report laid out a wide range of recommendations and also focussed on some main issues: mental health; safeguarding; children in the justice system; implementation of the UNCRC and the repeal of the Human Rights Act.

Visit [here](#) to see the infographic for children and young people on the five main areas highlighted to the Committee. And [here](#) to see the full report.

In September 2015, along with Scottish Youth Parliament and Together (Scottish Alliance for Children's Rights) we coordinated the UN Committee Taskforce visit to Scotland.

In October 2015, the Commissioner travelled to Geneva to attend the Committee's pre-sessional meeting with the other UK Children's

The young people's contribution was a fundamental part of the process and their views and experiences were crucial.

Commissioners, Non Governmental Organisations and children and young people. This was an opportunity for the Committee to hear from other independent voices before they examined the State Party. The Commissioner's blog on the Geneva session is [here](#).

In November 2015, the UN released a [list of issues](#) around the realisation of children's rights in the UK and the UK Government then [responded to this list](#) in March 2016.

In April 2016, the UK's Children and Young People's Commissioners issued a [response to the Government's response](#) then issued a [final list of recommendations to the UN](#).

The UN Committee on the Rights of the Child held the State Party Examination in May 2016. We supported young people from Scottish Youth Parliament to attend

the session as representatives of Scotland's children and young people. The young people's contribution was a fundamental part of the process and their views and experiences were crucial to informing the Committee. We asked one of the MSYPs, Ewan to blog about his experience [here](#).

The UN Committee has now published its list of recommendations – the Concluding Observations – and we use these as a means of pressing for improvements in the implementation of children's rights in Scotland.

It has been a busy year with significant pieces of legislation going through parliament and to consultation.

Education (Scotland) Act 2016

The Education Bill (now Act) sought to extend some additional support for learning rights to 12-15 year olds. Instead of a child having to rely on a parent to request an assessment of their needs or take a matter to an Additional Support Needs Tribunal, for example, they would be able to do so themselves, if they chose to do so.

We had significant concerns, however, about the way in which it was proposed this would work in practice. We believed that the introduction of two assessments – one of capacity and another of 'adverse effect on wellbeing' – would make it difficult for children ever to exercise their rights independently. We worked with colleagues from the Equality and Human Rights

Commission, Inclusion Scotland, the Scottish Human Rights Commission, Govan Law Centre, ENABLE Scotland and Together (Scottish Alliance for Children's Rights) to raise these concerns in the Scottish Parliament – at Stages 2 and 3 of the Bill process.



Equal Protection for children from violence

We remain committed to ensuring that children enjoy equal protection from violence as adults.

This year, we jointly commissioned a piece of research with Barnardo's Scotland, NSPCC and Children 1st on the impact of physical punishment on children and young people. The resulting report, *Equally Protected: a review of the evidence on physical punishment of children* was published in November 2015. The review demonstrated a clear link between physical punishment and long-term negative effects on children. On publication, we held a seminar to disseminate the findings of the research.

We also worked closely with the Church of Scotland as they sought to change their policy on physical punishment and in May 2016, the Church of Scotland's General Assembly voted to do so – and to push for legislative change on the issue.

We continue to work on this issue by seeking the repeal of the defence of 'justifiable assault', as outlined in the Criminal Justice (Scotland) Act 2003.

The message from the report is clear that smacking children makes their behaviour worse, damages their health and leads to greater aggression. Taking action to support parents to raise their children using positive discipline can I believe help reduce violence across Scotland.

Karyn McCluskey
Director of the
Scottish Violence Reduction Unit



[Click here for the review of the evidence report](#)

We hosted an Expert Planning Group of key people from health, Police, children's hearings system, social work, domestic abuse, family law, and advocacy.

Domestic Abuse

In March 2015, we began a partnership with Scottish Women's Aid to build on previous work and research on court ordered contact in the context of domestic abuse. Together, we hosted a series of sessions with a wide range of stakeholders to examine the efficacy of the current systems to uphold the rights of women and children in Scotland.

The first knowledge exchange event was held in June 2015 and delegates examined if the right of children to be protected from domestic abuse is being upheld through the implementation of the orders under Section 11, 7(A-E) Children (Scotland) Act 1995.

The second session in September 2015, was titled as 'Change the Story' where delegates worked through a relevant case study and were asked to identify key areas for improvement.

We hosted an Expert Planning Group of key people from health, Police, children's hearings system, social work, domestic abuse, family law, and advocacy. Sarah Morton, Co-Director (Knowledge Exchange) for Centre for Research on Families and Relationships facilitated a systems mapping planning session and the group contributed their knowledge of the current gaps and barriers in the systems involved in contact decisions. The information gathered was used to structure a systems map used in the final knowledge exchange session.

Delegates at the third knowledge exchange held in October 2015 worked to identify the key drivers for change.

Following the knowledge exchange programme, we jointly commissioned Sarah Morton to write up a report and design a systems mapping tool. The information gathered in this report will be used to develop a strategic action plan. Through this work, and in partnership with key agencies and children and young people, we will develop an action plan towards improved systems and develop understanding and tools for practitioners to uphold the rights of children and women who experience domestic abuse in Scotland.

The information gathered through the planning group and report will be used to develop a strategic action plan.

Visit our website for more information

Stop and Search

We had long argued that 'consensual' stop and search risked contravening children and young people's rights and this is an issue that we have worked on for some time.

This year, we were pleased to be a part of the independent Stop and Search Advisory Group, chaired by John Scott, QC, which produced its report in August 2015. The Advisory Group's recommendations – and in particular the recommendation that the use of 'consensual' or non-statutory stop and search should come to an end – was a positive one.

We did raise concerns, however, when an order-making power was introduced to the Criminal Justice (Scotland) Act 2016 – to allow for the creation of a specific power to stop and search young people for alcohol. We told the Scottish Parliament that

it was premature to do so, given that the Advisory Group recommended that the matter should be consulted on, before legislation was considered.

Since then, we have worked with the Scottish Government to ensure that children and young people are fully consulted before any decision to create a new power is made.

Minimum Age of Criminal Responsibility

In Scotland a child can be held criminally responsible at the age of eight. This is the lowest age in Europe.

This year we were able to be of key influence on the expert Advisory Group was created by the Cabinet Secretary for Justice, Michael Matheson MSP. The group was

tasked to examine the potential implications of raising the age of criminal responsibility from 8 to 12 years of age.

We were pleased to note that the remit of the group was grounded in not 'if' the age of criminal responsibility should be raised, but rather 'when'.

We co-authored the Children's Rights and Wellbeing Assessment, accompanying the Advisory Group's report – and helped ensure a child-focused approach was taken to the drafting of the report.

The Advisory Group recommended the age of criminal responsibility should be raised to 12, but would hope that this could be raised further in future.

We then organised a seminar entitled 'Criminalisation Doesn't Pay: A Seminar on Raising the Minimum Age of Criminal Responsibility in Scotland' to raise awareness of the Advisory Group's findings amongst colleagues working in the children and justice sectors.

If ever there was a time when I was convinced that policy work could make a difference to practice, then this was it.

Pauline McIntyre
Parliamentary and Policy Officer



The audience in the Gallery erupted in delight at this historic Act that has the potential to make a huge difference to the lives of Deaf children and young people in Scotland.



BSL (Scotland) Act 2015

On Thursday 17 September 2015, the Scottish Parliament passed the British Sign Language (BSL) Bill. We responded to the consultation on the Bill, which we believed had symbolic importance as well as practical benefits. We attended the passing of the Bill where the audience in the Gallery erupted in delight at this historic Act that has the potential to make a huge difference to the lives of Deaf children and young people in Scotland.

The Act is designed to create an ongoing framework for national planning around BSL. Scottish Ministers are under a duty to promote and facilitate the promotion of BSL as well as the

understanding of BSL. They must publish national plans which detail how this will be done and regularly provide the Parliament with progress reports. Listed authorities (of which our office is one) are also required to produce 'authority plans' which will take account of guidance issued by the Scottish Government and which will complement the national plan.

An important first step is the creation of Scotland's first British Sign Language (BSL) National Advisory Group. It will be integral to taking forward the British Sign Language (Scotland) Act (2015), and with three of its places reserved for young people, it also indicates that the views and concerns of children and young people will remain to the fore as the Act is implemented. We helped inform the approach to the participation of young people and will continue to support and advise on this.

Giving BSL the same status as other minority languages and asking local authorities to adequately provide for it will positively impact on education for Deaf children and on the opportunities to study BSL. We are hopeful that with the guidance of the advisory group, a new approach will be available to Deaf children and young people in Scotland.



The Commissioner emphasised the need for Professional Football Clubs to take account of children's rights.

Youth football

This year we have continued to seek changes to the current system of youth football registration, to ensure that it recognises the rights of children and young people.

In May 2015, we submitted a report, Improving Youth Football in Scotland, to the Scottish Parliament Public Petitions Committee. The report consisted of a children's rights impact assessment on the current registration procedures for young footballers in Scotland and a research report exploring the views of young people on youth football in Scotland.

In June 2015, the Commissioner provided oral evidence to the Public Petitions Committee on key recommendations in the report. In particular, he emphasised the need for Professional Football Clubs to

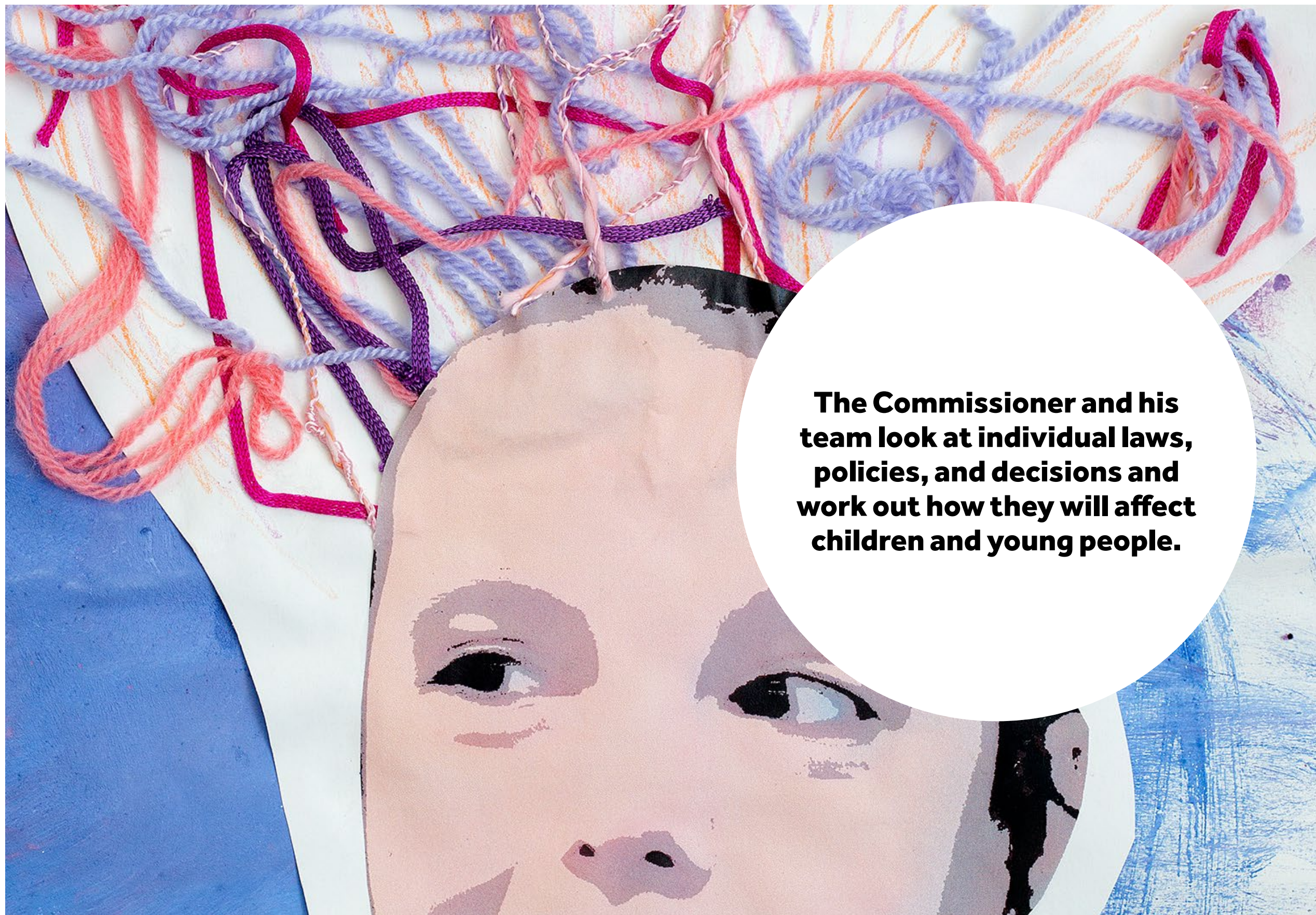
take account of children's rights, with suggested changes to the youth registration process to ensure young players are not prevented from: moving clubs, playing football for an entire season, or playing for their school team.

In response to the report the SFA (Scottish Football Association) and SPFL (Scottish Professional Football League) set up a working group to identify measures to address our key recommendations. We will look at the proposed measures, welcoming those that address our recommendations. However, where a recommendation fails to be addressed we will continue to press the SFA, SPFL and Scottish Government for change, to ensure that young people who play football are treated respectfully and that we do not abuse their enthusiasm and aspirations of attaining the dream of becoming a professional footballer.

Research seminar series

Our Research Manager created a research series with an overall theme of 'Bridging the Gap'. The programme ran throughout the year with academics and research experts sharing their knowledge, ideas and approaches about research issues which affect children and young people. The seminar series was well attended by colleagues from organisations with interest in children's rights and research methods and approaches with children and young people. A second series will be undertaken next year.

The policy and communications team work together to produce regular briefing papers on children's rights issues which can be [read here](#).



The Commissioner and his team look at individual laws, policies, and decisions and work out how they will affect children and young people.

One of the ways the Commissioner protects the rights of children and young people is to review proposed policies and legislation that may affect them.

List of consultation responses and evidence to Parliament

Consultation Responses

Consultation on Further Extension of Coverage of the Freedom of Information (Scotland) Act 2002 to more organisations. July 2015.

Consultation on the development of a Digital Learning and Teaching Strategy for Scotland: supporting school years’ education. December 2015.

Consultation on the Pregnancy and Parenthood in Young People Strategy. October 2015.

Equally Safe: reforming the criminal law to address domestic abuse and sexual offences. June 2015.

Rehabilitation of Offenders Act 1974 Consultation Paper. August 2015.

The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2015. December 2015.

United Kingdom Children’s Commissioners response to the Home Office consultation “reforming support for failed asylum seekers and other illegal immigrants”. September 2015.

United Nations Convention on the Rights of Persons with Disabilities (UNCRPD): consultation on the Scottish Government’s Draft Delivery Plan 2016-2020. January 2016.

Parliamentary Evidence

Abusive Behaviour and Sexual Harm (Scotland) Bill Stage 1: oral evidence to the Scottish Parliament Justice Committee. 24 November 2015.

Carers (Scotland) Bill Stage 1: oral evidence to the Scottish Parliament Health and Sport Committee. 26 May 2015.

Children and Young People (Scotland) Act 2014, Part 2 Commissioner for Children and Young People in Scotland: oral evidence to the Scottish Parliament Education and Culture Committee. 2 June 2015.

Education (Scotland) Bill: written evidence to the Scottish Parliament Education and Culture Committee. May 2015.

Human Rights Inquiry: written evidence to the Scottish Parliament European and External Relations Committee. November 2015.

Improving youth football in Scotland: submission to the Scottish Parliament Public Petitions Committee on PE1319. May 2015.

National Guidance on Restraint and Seclusion in Schools (PE1548): written evidence to the Scottish Parliament Public Petitions Committee. April 2015.

Youth Football (PE1319): oral evidence to the Scottish Parliament Public Petitions Committee. 23 June 2015.

All our consultation responses, parliamentary evidence and policy briefings can be found [here](#).

Our office has an enquiries service that answers questions about children's rights.

Enquiries Service

In the year to March 2016, we received 325 enquiries. They came from every local authority area in Scotland, as well as from other parts of the UK and internationally, including from Myanmar, Switzerland and Greece.

We were contacted by a wide range of individuals including parents, carers, grandparents, and children and young people. We also gave advice and assistance to professionals and adults advocating on behalf of children and young people, including teachers, social workers, lawyers, MSPs and third sector organisations.

The issues raised with us throughout the year were broad, although some themes did emerge. Failure to obtain or reflect a child or young person's view, particularly around issues of contact with parents

and siblings continues to be an issue for a number of enquirers. Children's rights not being taken into consideration in decision-making (both in courts and in children's hearings) and cases of children and young people refusing or distressed by contact visits was also raised on multiple occasions. Issues around child and adolescent mental health services – most often linked to lack of provision continued to be reported. Access to additional support for learning assessments and services and often parents' difficulties in getting their child's school to acknowledge ASL needs was raised. The impact of budget cuts on children and young people were also reflected in enquiries around changes to free transport provision to school.

We also received enquiries around the rights of children in care, bullying, information sharing, and domestic abuse. Young people

contacted us directly about a number of issues including: their specific rights in school, fears of returning home after physical punishment from a parent, and asking for advice on a local authority's failure to address a parent's mental health issues, which was having a significant impact on them and their siblings.

Planning is underway for significant changes to the enquiries service next year, when additional powers of investigation under Part 2 of the Children and Young People (Scotland) Act 2014 come into effect. With the extension of powers the Commissioner will be able to investigate individual complaints (as well as complaints affecting groups of children and young people), about the failures of service providers in regard to the 'rights, interests and views of children and young people'. Although it is anticipated that formal investigations will be rare, the

Commissioner will be able to offer advice, signposting information and assistance to help resolve issues as early and appropriately as possible.

To find out more information on the Commissioner's new powers of investigation please visit [here](#)



The Communications team get the Commissioner's messages out there in the media, in print and online, and make it as easy as possible for you to get back in touch.



Communications

The Commissioner continues to publicly influence and speak out in the media on relevant children's rights issues. He has been particularly vocal this year about austerity measures and cuts to services having an adverse impact on children and young people in Scotland.

Accessibility

We continue to produce materials in accessible formats to reach as many children and young people as possible. We have always been committed to creating resources in accessible formats where possible and as such we have a number of key resources produced in BSL. This year was a significant one for BSL users in Scotland, and we have sought feedback from key organisations Deaf Action and Solar Bear in order to continually improve our BSL film materials.



Digital communication

This was a strong one for our website with the number of user sessions up by 56% and the number of site users up by 72%. While traffic increased from all sources, social media traffic has nearly quadrupled thanks to a steady stream of relevant content around rights-relevant news in Scotland.

Our monthly e-newsletter continues to be a popular way to keep up with our news and events. You can sign up [here](#).

Child Poverty Blogs

Published between September and November 2015, we created a [child poverty blog](#) series as a way of raising awareness and stimulating dialogue in Scotland on the subject.



Corporate Services

The Corporate Services team work to make sure that the office works efficiently. We are responsible for financial operation of the office, administration, information and communications.

Information requests

As a Scottish public authority we are required to respond promptly to the freedom of information and environmental requests that we receive.

Twelve freedom of information requests were received and responded to in 2015-16. Whilst most sought information in relation to how the Commissioner's office delivers its functions and manages its resources, several were interested in information we held on children's rights and the issue of male infant circumcision. We received two requests for an internal review;

in response to one request the internal review partially upheld the previous decision, whilst in response to the other the internal review substituted a different decision. One request which we received and responded to in 2014-15 was the subject of an application for decision by the Scottish Information Commissioner. We responded to all of our information and review requests within 20 working days.

Managing our records

The Public Records (Scotland) Act 2011 promotes efficient and accountable record keeping by Scottish public authorities. It requires an authority to produce and implement a records management plan; this plan should clearly describe the way an authority cares for the records they create, in any format, as they carry out their functions and duties.

The Corporate Services team makes sure that everything runs smoothly within the office, from keeping on top of relevant internal policies, to making sure the Commissioner knows where he is to be and when.

The Keeper invited us to prepare and submit a plan by 30 April 2015. We prepared and submitted our plan on 28 April 2015. Following their assessment, the Keeper agreed our Records Management Plan on 21 August 2015.

We are committed to establishing effective records management arrangements, aware that in doing so we will deliver significant benefits for the office. Good records management will allow us to increase our overall efficiency and effectiveness, support our decision making processes and enable us to meet our statutory obligations, particularly as laid down by the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998.

The Commissioner has an equality duty to eliminate discrimination, promote equal opportunities, and foster good relations between different groups.

Corporate Parenting Duties

The Commissioner has duties as a Corporate Parent under the Children and Young People (Scotland) Act 2014. All the staff and Commissioner undertook training from Who Cares? Scotland with regards to these duties. We are currently working on our Corporate Parenting Action Plan which will be published in Autumn 2016.

Equalities

We published a mainstreaming report in April 2015 that assessed progress over the last two years in mainstreaming equality, working towards those outcomes and meeting our equality duties. Following this mainstreaming report we intend to prioritise and streamline our actions to focus on areas where we can measure our impact. A revised set of actions will be published before the next mainstreaming report due in April 2017.

You can read about the Commissioner's Equalities Outcomes [here](#).

IT system

In order to increase efficiency, this year we replaced our servers and IT equipment. In the event of an IT systems failure, this has improved the recovery of systems from 2-3 days to 2-3 hours. We also took the opportunity to install a new physical server to run a virtualised environment for Records Manager, our Electronic Document and Records Management System (ERDMS).

During 2015-16, we revised our Business Continuity Plan to document the measures that will be taken to return to business as usual within the shortest possible timescale following any disruption and to secure prompt and efficient recovery of critical business operations.

Training

We remain committed to providing staff with relevant training and this year we organised various sessions including Plain English, child protection and human rights. In addition, the Management Team undertook training in 'Recruitment and Selection', particularly when dealing with applications from disabled candidates.

Work also began on a revised Employee Handbook and this is due to complete by end of 2016.



The Commissioner and his team consider what negative impact new laws may have on children and young people and suggest ways in which these effects may be avoided.

The Year Ahead

Tam Baillie, Commissioner

The year 2016-17 will be my final year as I demit this office in May 2017.

I published a four-year Strategic Plan in March 2016. The draft plan was subject to a public consultation in January 2016 and I am grateful for every response, which enabled me to make some revisions before publishing the final document. As it will be for an incoming Commissioner to execute the remainder of the plan, I focused the plan on high-level activity to provide the new Commissioner with sufficient flexibility.

The key themes for the next four years are: child poverty; children safe from harm, juvenile justice, discrimination, mental health and care experienced children and young people. Over the next year we will be progressing the first year of the plan which includes working with Nourish Scotland and Home-Start UK on children's views of food insecurity.

We will also commission research into the impact that caring has on the mental health of young carers. You can read my full [Strategic Plan](#), including podcast, infographic, and easy read versions.

As discussed elsewhere in this report, planning will continue to manage the significant changes to our enquiries service when additional powers of investigation under Part 2 of the Children and Young People (Scotland) Act 2014 come into effect. With the extension of powers the Commissioner will be able to investigate individual complaints (as well as complaints affecting groups of children and young people), about the failures of service providers in regard to the 'rights, interests and views of children and young people'.

We will also work with partners to support children and young people from Scotland to give their views on 'Equality in Education' the as

part of the European Network of Ombudspersons and Children's Commissioners (ENOC) participation project. The UN Committee on the Rights of the Child will hold a Day of Discussion on '[Children's Rights and the Environment](#)' and we will contribute by leading a workshop and submitting a paper on the effect of toxins on children's environment. We will also work to ensure that the Committee hear from the voices of children and young people and will support the Children's Parliament and the International Play Association's 'Under the Same Sky' project to support children to reflect on how their local environments impact on their rights.

We will also publish our Corporate Parenting Plan in autumn 2016.

I look forward to reporting back to you next year on our progress in what will be my final annual report as Commissioner.

The key themes for the next four years are: child poverty; children safe from harm, juvenile justice, discrimination, mental health and care experienced children and young people.

Finances

Net Expenditure and Operating Activities

The Scottish Parliament allocated the Commissioner a budget of £1,287,000 for the financial year 2015-16 (2014-15: £1,235,000). The Commissioner drew down £1,286,000 (2014-15: £1,235,000), resulting in a £1,000 underspend (2014-15: £Nil).

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 2016 totalled £1,208,000 (2014-2015: £1,267,000). This was on staffing costs £758,000 (2014-2015: £747,000), other operating expenditure £440,000 (2014-2015: £496,000) and depreciation £10,000 (2014-2015: £24,000). Income for the year was £0 (2014-2015: £0).

A further £58,000 (2014-2015: £42,000) was spent on capital additions during the financial year as detailed in note 6 to the Accounts. Excluding notional expenditure (Depreciation £10,000) total expenditure was £1,256,000.

The Scottish Parliament Corporate Body (SPCB) scrutinise and approve the Commissioner’s annual budgetary proposal prior to forwarding it to the Finance Committee for consideration as part of the SPCB’s overall budget.

	2016 Budget £'000	2016 Expenditure £'000	Variance £'000	2015 £'000
Net operating costs per the accounts	1,287	1,208	(79)	1,267
Capital additions	0	58	58	42
Total expenditure	1,287	1,266	(21)	1,309
Adjustments				
Non-cash items		49	49	(105)
Working Capital (including cash)		(29)	(29)	31
Cash funding from SPCB	1,287	1,266	(1)	1,235

A full copy of the Commissioner’s Annual Accounts can be obtained on request and are printed in full on our [website](#).

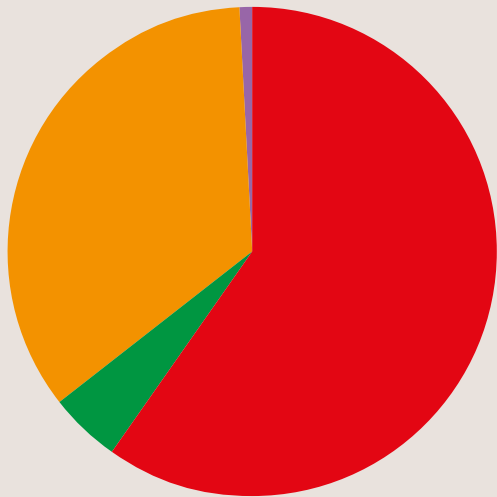
Net Expenditure 2015-16

Excluding staffing costs of £758,000 and depreciation of £10,000, other operating expenditure amounted to £440,000, of which Property (20%) includes all rent, rates, energy costs, property insurance, repairs, maintenance and cleaning. Administration (12%) includes all normal office running costs, for example, stationery, postage, telephones, photocopying, printing, equipment maintenance etc. Recruitment and Training (4%) includes costs for advertising and venue hire and investment in both the individual and staff teams. Travel, expenses & hospitality (4%) includes costs incurred both by the Commissioner and the staff team. Promotion and Participation (31%) includes all activities, for example, publicity, promotion and participation, undertaken in fulfilment of the general function of the Commissioner. Research (8%) includes a number of projects

related to the strategic aims as outlined in the Strategic Plan for 2016-20. IT (6%) includes the cost of support and maintenance for the office. Website development and maintenance (2%) includes continued development of the website as a major interactive tool for raising awareness of children’s rights. Professional fees (13%) include the costs of payroll support, legal, audit and accountancy.

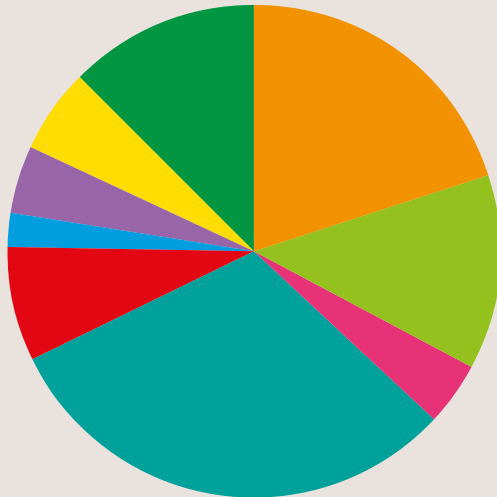
The accounts are subject to approval by external auditors.

Net Expenditure 2015-16



- Staffing Costs: £758,000
 - Capital Expenditure: £58,000
 - Operating Costs: £440,000
 - Depreciation: £10,000
- Total: £1,266,000**

Operating Activities 2015-16



- Property Costs: £88,000
 - Professional Fees: £57,000
 - Travel Expenses & Hospitality: £18,000
 - Promotion & Participation: £136,000
 - Research: £33,000
 - Website: £10,000
 - Recruitment & Training: £19,000
 - IT: £25,000
 - Administration Costs: £54,000
- Total: £440,000**

Us

as at 31/03/2016

Commissioner
Tam Baillie

Corporate Services

- Heather Belmonte
Assistant to the Commissioner
- Stephen Grounds
Head of Corporate Services
- Ezmie McCutcheon
Communications Manager
- Robert Shepherd
Digital Media Officer
- Megan Rodgers
Administrative Assistant

Participation and Education

- Cathy Begley
Participation and Education Officer
- Katie Brown
Head of Participation and Education
- Sarah-Louise Davies
Participation and Education Officer

Policy

- Sheila Hamilton
Research Manager
- Linda Ellis Macdonald
Enquiries Officer
- Máire McCormack
Head of Policy
- Pauline McIntyre
Parliamentary and Policy Officer
- Chloe Swift
Policy Officer



**We would like to thank all the
children and young people who
contributed their thoughts,
opinions, creativity and ideas to
our work this year.**



(CCYP/2016/2) 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 26/10/2016.



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