

UNCRC Incorporation and Children (Care and Justice) (Scotland) Bill

An update on progress



UNCRC

42 articles that state the rights every child under 18 should have.

Ratified by the UK Government in 1991 creating obligation to comply, but not currently enforceable in our legal system.

United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill

🌈 Aim – make rights within UNCRC enforceable in law

Timeline so far

🌈 Passed by Scottish Parliament 16/3/21

🌈 Taken to Supreme Court by UK Government on the basis that certain provisions exceeded the powers of Scottish Parliament

🌈 Supreme Court ruled in favor of UK Government on 6/10/22

🌈 Scottish Government remains committed to amending the Bill

Interaction with the Children (Care and Justice) (Scotland) Bill

Incompatibility – current treatment of 16 & 17 year olds

- 1: Feedback and influencing work that the cut of referrals should not be 17.5 but be extended to 18 in line with UNCRC
- 2: Removing data forecasting assumptions based on data from 2020/21 2021/22 because these were 'covid years' and numbers were atypical
- Impact of new forecasting
- Moved from a projected 2,415 to 3,345 additional hearings - 43% increase
- Move from a projected 273 to 386 additional panel members
- Move from a projected £450k to at least £600k additional costs
- All based on extending our existing volunteer panel member model



Children (Care and Justice) Bill: Timeline

