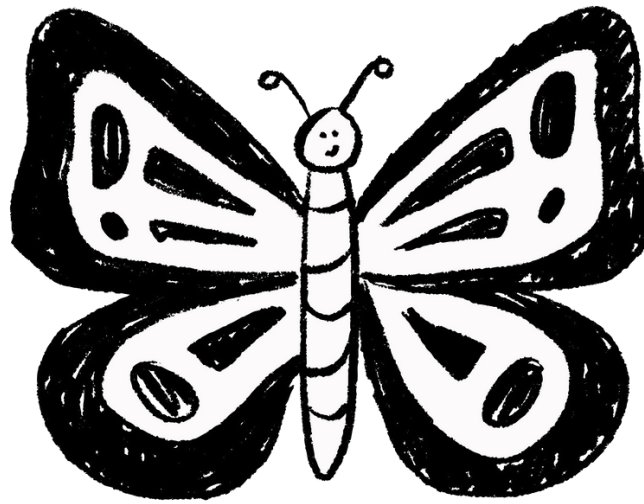


# Transforming Lives

an includem campaign



## Key Policy Themes Q&A

# Welcome

We've put together this briefing for our colleagues who are engaging with key stakeholders giving them the tools to feel confident to answer any questions they may have on the key issues of our Transforming Lives Campaign.

Our Five Areas of Focus are:

- Children's Rights
- Youth Justice
- Education
- Poverty
- Mental Health

If you have any questions, please get in touch with the Communications & Public Affairs team at [publicaffairs@includem.co.uk](mailto:publicaffairs@includem.co.uk)




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# Children's Rights

## Children's Rights

### **Q: Does includem support the United Nations Convention on the Rights of the Child (Incorporation)(Scotland) Act 2024?**

**A:** Yes! We support this landmark piece of legislation that incorporates the UNCRC into Scots law, empowers our children and young people to claim their rights and will help to make Scotland the best place in the world to grow up.

Some examples of how we already promote children's rights:

- Our support is developed with the children and young people we work with ensuring their voices are heard at every step of the way (Article 12).
- Our non-judgemental and relationship-based approach promotes Freedom of Expression (Article 13) and we endeavour to promote opportunities for children and young people to express themselves.
- Most of our services support family systems ensuring; parents have the tools and skills they need to raise their children, children and young people can be supported to remain in their local communities; reduction of risk of children being accommodated away from home where this is in their best interest (Articles 9, 18, 20).
- Through our Young Person's Fund and our ABL support model we enable and encourage children and young people to engage in leisure, play and culture (Article 31) and work closely with children, young people, their families as well as education providers to promote access to and engagement with education (Article 29).

### **Q: What concerns us about the UNCRC Act?**

**A:** Laws can be a great mechanism for achieving change but only if they are implemented with sufficient planning, funding, and support. There has been extensive support for the Act, but Scotland is still undertaking reform work particularly around youth justice that means compliance with the UNCRC has not yet been met.

A new approach to youth justice in Scotland is required, which continues to align with UNCRC. The Committee on the Rights of the Child continue to urge the UK Government to raise the minimum age of criminal responsibility to at least 14 years of age and to make sure that children are not tried as adults, without exceptions, and that the child justice system is applied to all children who were below the age of 18 years when the offence was committed.

Work around this will continue to evolve and impact the work we do. There is more information on this in the Youth Justice Section

- The Promise

In October 2016, the then First Minister Nicola Sturgeon made a commitment to figure out how Scotland could support its most vulnerable children and give them the childhood they deserve.

She commissioned the Independent Care Review and, between February 2017 when Fiona Duncan was appointed as Chair, and February 2020, the Care Review worked to figure out how to keep that Promise.

When the review published its findings in 2020, Scotland's then First Minister pledged that the country would Keep the Promise.

First Minister and all of Scotland political parties have pledged to keep the promise by 2030, and a new organisation Promise Scotland have responsibility for driving the changes needs to achieve this.

### **The Promise is built on Five Foundations:**

- **Voice:** Children must be listened to and meaningfully and appropriately involved in decision-making about their care, with all those involved properly listening and responding to what children want and need. There must be a compassionate, caring, decision-making culture focussed on children and those they trust.
- **Family:** Where children are safe in their families and feel loved they must stay – and families must be given support together to nurture that love and overcome the difficulties which get in the way.
- **Care:** Where living with their family is not possible, children must stay with their brothers and sisters where safe to do so and belong to a loving home, staying there for as long as needed.
- **People:** The children that Scotland cares for must be actively supported to develop relationships with people in the workforce and wider community, who in turn must be supported to listen and be compassionate in their decision-making and care.
- **Scaffolding:** Children, families and the workforce must be supported by a system that is there when it is needed. The scaffolding of help, support and accountability must be ready and responsive when it is required.

**Q: Does includem support ‘The Promise’?**

**A:** Yes! The work we do with children, young people and families covers all 5 foundations of the Promise.

We also supported young people to develop our Language Guide Principles which was funded by the Promise. The Principles of our Language Guide is a great reference tool for us all.

**Q: What are some of the biggest risks to children’s rights in Scotland?**

**A:** Risks to children’s rights are explored in the different sections of this document due to the cross-cutting nature of rights and the various areas of life includem supports.

Currently, the youth justice system in Scotland is undergoing significant reform and we contribute to this important work in a number of ways. More information on this in the youth justice section.

Poverty is also a big challenge to making rights a reality for the children, young people and families we work with.

Education provision for children and young people with additional support needs is guaranteed in law but difficult to receive in practice because of financial difficulties facing local authorities and education establishments.

The mental health of children and young people, and access to care and treatment is another area of concern. Studies suggest that in 2020 about 1 in 10 children and young people between the ages of five and 16 had a mental illness that could be diagnosed clinically, but they lacked the services to support them. This situation has become worse since the Covid-19 Pandemic and the cost-of-living crisis.





# YOUTH JUSTICE

## Youth Justice

**Q. What are the key issues from includem's perspective in the Youth Justice system which require attention and is there a single issue that we think should have priority?**

A. The recent passing of the UNCRC Incorporation Act means there has never been closer scrutiny of children's rights in practice. The United Nations Committee on the Rights of the Child in their concluding observations have highlighted repeatedly that more needs to be done to bring youth justice in Scotland and in the UK in line with UNCRC requirements. They are specifically concerned that: children who are 16 and 17 years of age are not always treated as children in the justice system; that children can be remanded into police custody, sometimes staying overnight in prison cells; The continued use of solitary confinement for children and segregation and isolation in child detention facilities.

**Q. What is includem's views on raising the minimum age of criminal responsibility in Scotland from 12 to 14?**

A. The increase in the age of criminal responsibility to 12 was an important first step towards the ultimate, longer-term objective of moving to an age of criminal responsibility that takes into account capacity beyond this age. This move would recognise that children develop at different rates, and particularly acknowledges that some children are victimised and in vulnerable situations and are thus more likely to come into conflict with the law. The Promise calls on Scotland to "aim for the age of minimum criminal responsibility to be brought in line with the most progressive global Governments alongside efforts to prevent criminalisation of all children". UNCRC set a minimum recommended age of at least 14 - (CYCJ's Consultation Response to Bill)

**Q. Does includem support the Children (Care and Justice) (Scotland) Bill (currently at Stage 3)**

A. includem welcomes the widening of access to Children's Hearings (CH) systems to all 16- and 17-year-olds - compliant with the UNCRC Article 1 but are concerned about the proposed new cut-off that presumes that those over 17½ year olds will not be referred.

We are concerned that the reasoning for this, i.e. to protect their rights as future adults, does not reflect their current rights as a child under the UNCRC.

We believe that the premature creation or termination of CSO does not meet the principle of minimum intervention and in some cases the level of intervention exceeds the need and results in an increased risk for young people of further involvement in the system. A change in legislation will support children accessing the support and protection of the CH System when they need it and for as long as they need it without the current practice of premature terminations or preventative orders being put in place.

It welcomes that the probability that fewer 16 and 17-year-olds will appear in court, and the intent within the bill for children in conflict with the law to have less contact with the adult justice system. More details [here](#).

**Q: What is includem's view on Movement Restriction Conditions (MRCs)?**

**A:** Includem is pressing for more consistent support for MRCs, as new includem research finds inconsistencies in how they are applied across the country.

A young person who is faced with the possibility of being placed in secure accommodation will also be considered for an MRC. An MRC restricts a young person's freedom of movement through the application of electronic monitoring technology or a 'tag'. An MRC is preferable over secure accommodation because it allows for a young person to be rehabilitated while remaining within their community.

However, without the appropriate support, an MRC is ineffective. Because of this, young people who live in areas that cannot provide this support will be placed into secure accommodation.

The includem research conducted by Dr David Gould, as part of the ADAPT research, recommends that a national intensive support scheme is put in place to ensure all young people have equal access to consistent help and assistance if placed under an MRC.

**Q. what are includem's views on the Victims, Witnesses, and Justice Reform (Scotland) Bill (currently at Stage 1)**

**A.** Includem fully support the creation of a Victims and Witnesses Commissioner however we share the concerns of others that there is an overlap with the work of the existing Commissioner for Children and Young People in Scotland. The new role must add value and not absorb funds that could be better used for improvements that will directly improve victims and witnesses' experiences. We welcome the recognition of the impact that trauma can have within the justice system, and the adoption of trauma-informed practices to make children's experience of giving evidence as positive as possible. To that end we were happy to actively support the creation of the Bairns' Hoose initiative.

In addition, given the significant role that trauma plays in a lot of cases we would like to see better support for everyone going through the justice system - not just victims and witnesses. A supportive environment must be created within the justice system that ensures systems and processes can respond sensitively and compassionately to all of those who have experienced trauma and harm.

**Q. What is includem's view on the United Nation's recommendation that there is statutory guidance on the use of restraint on children?**

A. Includem welcomes the draft guidance on physical intervention in schools but believes there is an urgent need for single coherent legal framework to cover every circumstance in which children in care of the State may be subject to restraint, seclusion or other restrictive practices as called for by the Children and Young People's Commissioner for Scotland's (CYPCS). [See here](#).

**Q. What are includem's views on neglect with relation to child abuse?**

A. includem agrees with the National Guidelines for Child Protection's definition "that 'neglect' is child abuse, where it consists in persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. There can also be single instances of neglectful behaviours that cause significant harm. We want to stress that Neglect can arise in the context of systemic stresses such as poverty and is an indicator of support needs." The current Cost of Living Crisis is exacerbating experiences of poverty and research shows that poverty can be a major factor in children being taken into care.



# EDUCATION

## Education

### **Q: Issues facing children and young people in education?**

**A:** children and young people face a number of issues in education. Attending school for CYP in living in poverty can increase stigma, shame, and have a detrimental impact on their mental health and educational attainment. Since the COVID Pandemic some CYP have struggled to access education to the degree they did beforehand. Poor mental health and a lack of access to supports and services also have a negative impact on engagement with education. Many of the CYP we support find it difficult to engage with education for a number of reasons. Violence in schools is currently a hot topic, discussed by politicians and a focus of much scrutiny. The lack of adequate additional support for learning means children and young people who are neurodiverse face additional barriers.

### **Q. What are includem's view on children being excluded from school for challenging behaviours?**

**A.** Includem welcomes the ongoing ambition from The Promise and others to end exclusion for children and young people. Young people tell us exclusion was not helpful for them, and research shows that exclusion can have significantly negative impacts on future outcomes and wellbeing. The Promise's Plan 21-24 outlines an end to the exclusion of all care experienced students by March 2024 – we believe this could act as a vital steppingstone towards a longer-term ambition to end exclusion for all. (School's Report, 2021). Our aim is both to prevent exclusion and to close the attainment gap by engaging with children and young people positively in school. Early intervention and preventative services such as includem's are vital to tackle the root causes of problems before they escalate to the level where exclusion becomes the only option left for schools.

### **Q. Is there any justification for it in some cases, if so for what?**

**A.** We recognise there may be instances where exclusion is necessary and appropriate but this in isolation won't change behaviour in the long term. Expand on what instances and what safeguards should exist if this happens i.e. least amount of time – Amanda – Scottish education presentation with Martin

**Q. Any views on how bullying/aggressive behaviours are handled in schools? (is this for us to comment or should we instead focus on: what does includem think would make a positive difference to bullying and aggressive behaviour in schools.**

**A.** We work closely with schools and other education providers to support children and young people, and their families, to engage with, and have positive experiences in, education. Behaviour of children and young people in schools, labelled aggressive and threatening, is in part due to structural barriers. Children and young people are experiencing poverty and trauma, and teachers and schools are ill-equipped and under-resourced to support them at school alongside teaching duties. In the first instance, we must listen to what children and young people have to say about the rising violence and exclusions and, so far, there has been little published material. Children and young people, in line with their rights and our obligations, must be listened to and included in decisions made about their lives.

We are also hearing about teacher positions being cut, in direct opposition to the growing need of children, young people and those working in education. When considering and dealing with aggressive and bullying behaviour we strongly support making links between school and the community. The holistic whole family approach we employ allows us to bridge the gap between school and the community, supporting better outcomes for children and young people.

We are concerned at the rising numbers of school exclusions. Research has shown us the link between school exclusions and poor life outcomes so we must support children and young people, as well as teachers, their families, and communities to improve engagement and attainment. Particular attention must always be given to care experienced children and young people who face additional barriers in and out of education. We also know that transitions can be challenging for children and young people and additional resources are required to meet the level of need. Third sector organisations are fantastic partners who should be included in all discussions about education, and considered as trustworthy partners who can successfully support positive destinations.

**Q: View on virtual schools?**

**A.** We recognise that for some children and young people, and their families, virtual schools provide access to learning and education that would otherwise not be possible in that situation. In our response to the Education and Skills Committee Inquiry into the Impact of COVID-19 we said that access to virtual schools should be extended to include all vulnerable young people that find it difficult to engage in traditional school-based education.

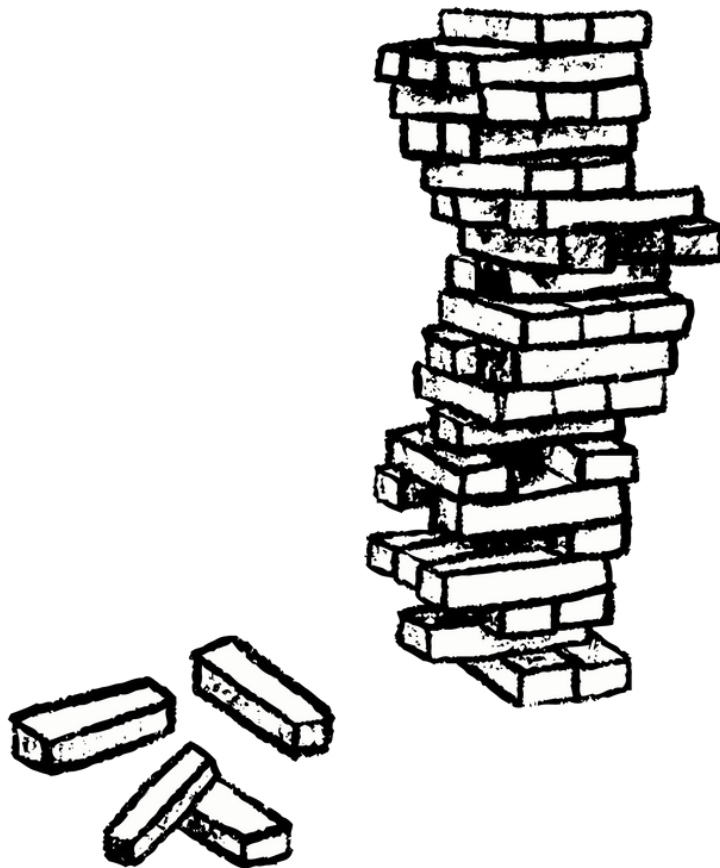
**Q: Zero tolerance to violence in schools approach?**

**A:** We are currently working with Scottish Labour to explore what a zero tolerance to violence in schools' policy means. We are concerned that a zero violence to tolerance approach would lead to exclusions for children and young people who have additional support needs of any kind or are experiencing challenges for other reasons.

Poverty is a major contributor to low attainment, and we know from recent news reports that violence in schools has grown. Includem does not condone the violence and we believe our early intervention whole family approach can support better engagement and attainment for children and young people in Scotland.



# POVERTY



## Poverty

### Q. Views on reasons for child poverty?

A. Poverty rarely has a single cause. A range of factors including rising living costs, low pay, lack of work, and inadequate social security benefits together means some people do not have enough resources. The long-term deterioration of the terms of employment for workers in the lowest paid of the UK labour market has been a major cause of enduring poverty in the UK. Low wages, the high cost of childcare and part-time work all conspires to reduce incomes. Many low-paid jobs offer no opportunities to progress to better work and better wages. Others are insecure, with unpredictable hours and incomes. Barriers to employment are principally ill-health and childcare, but also caring responsibilities for family members. In-work benefits, such as universal credit, are currently insufficient to overcome these labour market challenges and keep people out of poverty. In addition, the very high costs of housing and childcare increase families' risk of poverty. It is generally accepted that where people are out of work or don't earn enough money, the social security system should provide a safety net to prevent them falling into poverty but unfortunately this is not the case.

### Q. Views on steps being taken to address it?

A. We are encouraged that the Scottish Government and many charities are working hard to highlight the damage poverty is doing to children, young people and their families, and the all-pervasive impact it can have on many aspects of life, and recognise they are doing what they can to alleviate it. It is clear that there is always more that could be done, and frustratingly steps which could go a long way to eradicating poverty have been identified but lack the political will or resources to make them happen. This includes creating a less punitive social security system which can make difficult situations worse, and more radical approaches such as a minimum guaranteed income. From includem's perspective, and based on our successful interventions elsewhere, we would like to see a whole person approach that seeks to find solutions to a range of different issues such as low incomes, poor housing and health issues, as group and not in isolation of each other.

### Q. What is includem's view on the postcode lottery of health services (GP & dentistry?)

A. Access to a GP or dentist are symptomatic of the wider resourcing challenges being experienced within the NHS. Everyone understands this has wide-ranging impacts across society, and that it needs urgent attention. We recognise that the reasons for this are complex and that there is no single solution, and we welcome the efforts being made by the NHS and both Scottish and UK Governments to find a solution. We also welcome the decision in 2021 to extend free dental care to everyone aged 18-25, which will benefit around 600,000 young people.

## Q. Does includem have any views on any of these specific benefits and types of support?

A.

- **The Universal Credit two-child limit** – We welcome the SG's Scottish Child Payment which seeks to mitigate this but oppose the two-child limit in principle which is a major contributor to child poverty.
- **Younger parent penalty** – The 'young parent penalty' within Universal Credit is deeply gendered and acts as a barrier to equality for young women. We would like to see the penalty removed, but in the meantime, by way of mitigation, we would like to the Scottish Government support young families and top-up the payment for parents under 25 in receipt of Universal Credit.
- **Scottish Child Payment** - we welcome the Scottish Government's continued commitment to this. Recently, includem joined over 150 organisations in calling on the First Minister to increase the Payment to £30 per week. The SCP has increased to £ £26.70 from April 2024 in line with inflation but has not met the calls for £30 per week.
- **Scottish Carers Allowance** – We want to see the contribution made by paid and unpaid carers adequately respected, part of which is ensuring that childcare and youth workers are paid in a way that reflects their depth of skills and knowledge. It is vital to bring an end to the expectation of substantial self-sacrifice detrimental to workers own health & wellbeing and of public services.
- **Winter Heating Payment**- we welcome the introduction of the WHP to replace the UK Govt's Cold weather payment and that it is not dependent on a sustained period of cold weather in a specific location but is a reliable, annual payment paid no matter the weather.
- **The rollout of Universal Credit** - Efforts to simplify the benefits system are to be welcomed however the roll out of Universal Credit has created a wide number of issues that can make the situation for claimants worse rather than better. The Scottish Government has put in place some measures which mitigate these, but we share the concerns of poverty charities that UC seeks to discourage claims and impacts disproportionately on the most vulnerable members of society.
- **Provision of free school meals /breakfast clubs** - Eligibility of Free School Meals should be extended to those in receipt of Universal Credit or equivalent benefit and a 'cash first' approach to Free School Meals over the school holidays needs to continue and systems should be put in place for those that are not in school during mealtimes. Free School Meal provision should be extended to all ages of school children.
- **Funded early learning and childcare** – In addition to the benefits to children of accessing safe and stimulating childcare services, we support any initiative which helps parents and carers enter the workforce. However, it is vital that provision takes account of the needs of parents, for example, in relation to costs, timings, and availability.

**Q. How is the cost-of-living crisis manifesting itself among the children, young people, and families includem supports?**

A. Many of the families includem supports are perpetually dealing with the challenge of low incomes, and the cost-of-living crisis only serves to makes an already difficult situation worse, as what little income they have has to go even further. The areas identified by families as being the greatest areas of financial pressure are:

- Food insecurity
- The cost of heating their home
- Transport costs and the impact this has on choice and access
- Housing costs and the impact this has on their ability to access appropriate housing for their family needs
- Accessing the internet

(based on research carried out by includem in 2020.)

**Q. What is includem's view on the Minimum Income Guarantee?**

A. A Minimum Income Guarantee (MIG) is a universal guarantee: an income floor beneath which no one should fall. For most people, paid work and collective services can give people the income they need, and reduce their costs, to meet their income floor. For others who face barriers to securing secure and well-paid work, a targeted payment would lift their incomes up. It is a simple idea which can offer a long-term aim and an organising principle for the here and now. The Minimum Income Guarantee is a policy strongly supported by anti-poverty coalition.

**Q: Does includem support Challenge Poverty Week?**

A. Challenge Poverty Week is an opportunity for individuals and organisations to show support for anti-poverty measures and raise their voice against poverty.

The main aims of the week are to:

- Highlight the reality of poverty and challenge the stereotypes.
- Showcase the solutions to poverty.
- Increase public support for action to solve poverty.

We recognise that many of the children, young people and families we work with are affected by poverty and support challenge poverty week as an organisation by highlighting some of the work we do to support children, young people and families but also by sharing information about access to social security (benefits), anti-poverty campaigns and calls to action. This year Challenge Poverty Week is from 7th – 13th October.

**Q: How does includem support anti-poverty measures.**

**A.** We are a Living Wage Employer. The real Living Wage is an independently calculated rate based on the cost of living and is paid voluntarily by employers. The rate is currently £12.00 and is calculated annually by The Resolution Foundation on an analysis of the wage that employees need to earn in order to afford the basket of goods required for a decent standard of living. This basket of goods includes housing, childcare, transport and heating costs.

We are also part of the End Child Poverty Coalition which campaigns for an end to child poverty in the UK. The Comms & Public Affairs Team share updates about this when they become available. Our Young Person's Fund supports children, young people and families to access goods and services that they would otherwise be excluded from accessing. While this money is not sufficient to addressing the barriers families face it provides valuable opportunities and temporary relief for the children, young people and families we work with.

Through our work with families and young people we will often sign-post to other services that specialise in income maximation, debt support and other relevant support and advice.

**Q: What is the End Child Poverty Coalition?**

**A.** The End Child Poverty Coalition is made up of different organisations including child welfare groups, social justice groups, trade unions and others. The Coalition believes that no child in the UK should grow up in poverty. The Coalition campaigns to end Child Poverty by:

- Engaging with young people providing opportunities for them to share their experiences with decision makers,
- Sharing knowledge and developing solutions with coalition members,
- Campaigning together, uniting coalition members and young people to ask central and devolved governments to end child poverty.
- Currently, the Policy & Public Affairs Officer attends the End Child Poverty Coalition meetings.

# Mental Health



## Mental Health

### Q. What is includem's view on the Scottish Government's Mental Health & Wellbeing strategy?

A. We support the new long-term shared Vision for Mental Health and Wellbeing in Scotland, which is “of a Scotland, free from stigma and inequality where everyone fulfils their right to achieve the best mental health and wellbeing possible” and welcome the definition of what a high-functioning whole system should look like, and the standard of support that anyone should be entitled to expect when they ask for help for any aspect of their mental health. We also welcome the focus on the social determinants and underlying causes of poor mental health, including inequalities, and that it is a cross-Government Strategy, which will require work across portfolios if it is to achieve the transformational change everyone wants to see. (revised text – further input required)

### Q. What is includem's view of the waiting lists for CAMHS?

A. We are concerned that despite significant additional funding being made available to address a backlog in the number of children and young people waiting for CAMHS treatment, the number seen within 18 weeks of referral, as per the Government's own standard, falls far short of the 90% target. (73.8% in June 2023) It is clear that the hoped-for substantial improvements in the mental health care that children and young people receive in Scotland have yet to materialise. We therefore look forward to the publication of a new delivery plan for mental health and wellbeing as set out in the Programme for Government.

(Any impacts on CYP&F we can add?) – CAMHS three strike approach; CAMHS no drugs policy; CAMHS assessment vs treatment and support – Tracey: safe minds

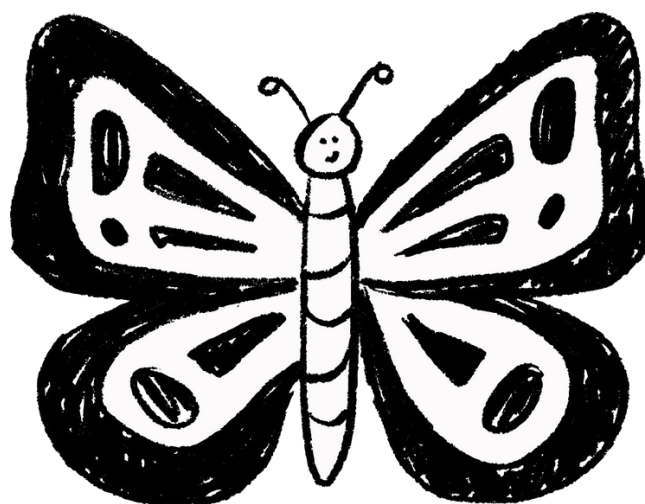
The Scottish Government has published a breakdown of the number of pupils that have accessed school counselling services by Local Authority.

**Q. What does includem think about the availability of support for mental health issues?**

**A.** In its response to the Scottish Mental Health Law Review in June 2022, includem highlighted the need to consider the implications as it was vital to understand that the needs, experiences, and strengths of children and young people were very different to adults and may require a different approach to ensure appropriate care. It welcomed several commitments set out in the legislation; however, it expressed concern that despite a very challenging landscape around children and young people's mental health, Child and Adolescent Mental Health Services (CAMHS) make up less than 1% of the NHS budget. It said many of those it supported found themselves stuck in waiting lists as their needs and risks escalated – with no review of priority. It is known that children and young people are not getting appropriate mental health care and treatment until they reach crisis point.” Full response can be found [here](#).



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**We're interested in your thoughts!**

[You can give us your input on Hub here.](#)