



Strategic Police Priorities Review
Police Division
Scottish Government
1WR St Andrews House
Regent Road
EDINBURGH
EH1 3DG

18th August, 2016

Dear Sir/Madam

Review of Scottish Strategic Police Priorities Consultation

I welcome the opportunity to comment on the revised Scottish Strategic Police Priorities and their potential impact on children and young people across Scotland.

My engagement with Police Scotland to date has demonstrated that they are committed to finding ways in which to better engage with children and young people, whether that be as victims, witnesses or offenders. This is most welcome. There is also a recognition, however, that there is significant work still to be done. In some settings (e.g. in relation to domestic abuse) children are not always as visible as they should be. As such, their needs may not always be met.

Before commenting on the individual Police priorities in turn, therefore, I thought it would be helpful to offer some general remarks.

Rights-based Approach

I acknowledge that there are multiple references in the draft priorities to reducing inequalities. However, I think the priorities would further benefit from being presented from a human rights based perspective. This would send a clear message to the public that Police Scotland are fully committed to ensuring their work both promotes and protects human rights generally, and children's rights specifically. My office would be happy to assist with that process.

I note that you have chosen to combine your initial Equality Impact Assessment (EIA) with a Children's Rights and Well-being Impact Assessment (CRWIA). For any future impact assessments associated with these priorities, I would encourage these to be carried out separately. Whilst they might appear to be very similar, the two actually perform different purposes.

Where an equality impact assessment aims to ensure no-one is disadvantaged or

discriminated against on account of a protected characteristic, a children's rights and well-being impact assessment asks people to think more progressively about how they could promote the rights of children and young people, or particular groups of children and young people. Where there are competing rights (e.g. where a policy benefits looked after children, but disadvantages another group), then a CRWIA can help policy-makers make an informed decision about the best way forward.

Prevention

I would be keen to see the phrase in para 3 of the background information rephrased. At the moment, it states '...this could be partly achieved by focusing on diverting individuals (particularly young people) from engaging in criminal activity'. As such, it inadvertently gives the impression that young people are more likely to be involved in criminal activity than other groups.

I recognise that this statement is intended to show that Early and Effective Intervention and Diversion can bring tangible benefits to young people, and prevent them from becoming involved in further incidents of harmful behaviour. As such, I do believe it should be included. However, it would be helpful for this to be expressed in more positive terms.

Localism

I welcome the general commitment outlined in this priority to engaging with local partners in order to ensure that the needs of particular communities can better be met. I would urge Police Scotland to think broadly of the groups they can engage with, including children and young people.

I note Police Scotland's intention to work with bodies such as Local Authority Scrutiny Committees, Community Planning Partnerships and Community Councils to help inform these local priorities. I would highlight that these bodies are mainly adult-focused.

Although I very much welcome Police Scotland's ongoing commitment to working through local schools and community groups, it is important that children and young people are not viewed simply as passive recipients of Police Scotland's services. Rather, children and young people should be seen as active partners, whose views can make a difference. As such, I welcome the creation of the Police Scotland Youth Advisory Panel, in partnership with Young Scot.

To further build on this work, Police Scotland should continue to seek opportunities to engage with a broad range of children and young people who may come into contact with the Police, including, but not restricted to, looked after and care experienced children and young people, young people with hidden disabilities and autism, LGBTI children and young people, children living in areas of multiple deprivation, children and young people affected by domestic abuse and Gypsy Traveller children and young people.

I would also welcome an explicit commitment to enabling community members, including children and young people, to assist with Police Scotland training, where appropriate and where they would wish to do so.

Arrangements should be put in place to ensure that any engagement/consultation with children and young people on a local basis, can also help inform national priorities.

Response

It would be helpful to have a commitment in this priority to furthering the findings of the Evidence and Procedure Review. I would particularly like to see reference to how Police Scotland can best engage with children and young people. This should include child victims and witnesses, as well as those accused of an offence.

The Response priority should also recognise the importance of training in ensuring Police Officers respond appropriately to an incident. In relation to domestic abuse, for example, it is important that Police Officers have a full understanding of the dynamics of domestic abuse, including coercive control, and the impact this may have on any children living in families where domestic abuse occurs, in order to ensure that those children are safeguarded.

Collaborative Working

My own office has been involved in a number of working groups recently, including the Advisory Group on the Minimum Age of Criminal Responsibility, where Police Scotland's involvement has been key to ensuring better outcomes for children and young people.

I believe the involvement of Police Scotland in such groups has enabled the public and third sectors have a better understanding of current Police processes. It has also raised Police Scotland staff's awareness of how they can be perceived by different groups in the community. For example, being involved in the Advisory Group on Stop and Search helped highlight the power imbalances that can exist between the Police and children and young people. It would be helpful, therefore, if the value of participating in such groups was explicitly recognised as part of this priority.

Accountability

I would find it helpful in this section to have a commitment to reviewing Police Scotland's data collection and analysis, as I believe this is key to reducing inequalities. At present, information collected by Police Scotland can be helpful operationally, but it also has the potential to contribute to wider societal change. For example, anecdotal evidence suggests that looked after children are more likely to gain a criminal record than their non-looked after peers, something which can severely restrict their life chances. This may be due to practices within residential units, where staff are encouraged to call the Police whenever an incident occurs. If data was recorded in such a way that allowed us to be

certain that was the case, then measures could be put in place to help prevent this group being disadvantaged. It could also help ensure that Police resources were better deployed.

Similarly, children and young people with disabilities affecting their communication and social skills may also find themselves having increased involvement with the Police, compared to their non-disabled peers. Again, better data recording and analysis, alongside appropriate training, could help ensure that the needs of these children and young people are recognised.

In reviewing what data Police Scotland could usefully collect, it would be helpful to work in partnership with those working in related fields, including youth justice, domestic abuse, disability groups, local authorities, and third sector groups.

I would also like to see reference in this section to the statutory duties that Police Scotland has to fulfil. These would include duties under the Children and Young People (Scotland) Act 2014, including those arising from being a Corporate Parent.

Adaptability

I welcome Police Scotland's commitment to continuous improvement, in relation to new methods of detecting and tackling of crime in Scotland. I also welcome the statement that the effectiveness of such methods should be assessed on the basis of 'robust evidence'.

I would suggest that such new methods should also be subject to an impact assessment, to ensure that they do not disproportionately target particular groups, such as children and young people.

Concluding Remarks

I am pleased to submit these comments on the Scottish Strategic Police Priorities and am very happy to engage further with Police Scotland and the Scottish Government in relation to any of the issues raised in this response.

In the first instance, please feel free to contact my Parliamentary & Police Officer, Pauline McIntyre, via pauline.mcintyre@cypcs.org.uk.

Yours faithfully



Tam Baillie
Children and Young People's Commissioner Scotland

