

Rights of Children and Young People Bill

Consultation Paper

Response Booklet

Responding to this consultation paper

We are inviting written responses to this consultation exercise by **Thursday 1 December 2011**.

We would be grateful if you would indicate clearly in your response to which questions or parts of the consultation paper you are responding to. We recommend using this response booklet, if possible. Please complete the respondent information form contained within the booklet.

Please send your response to:

earlyyearslegislation@scotland.gsi.gov.uk

or

Chris Bain
Scottish Government
Children's Rights and Well-being Division
Area 2B (North)
Victoria Quay
EDINBURGH
EH6 6QQ

If you have any queries or any comments on the consultation process, please contact Chris Bain at the address/email above or telephone 0131 244 4906.

Public engagement events

Five public engagement events have been arranged at cities across Scotland. All public engagement events will cover the same material and will follow the same format. Spaces at the seminars will be limited: to register your interest in attending one of these events, please visit <http://bookings.shscevents.co.uk/all/2787>. You will be contacted in due course to confirm whether or not you have a place.

Accessing this and other consultations

This consultation, and all other Scottish Government consultation exercises, can be viewed online at <http://www.scotland.gov.uk/consultations>. You can telephone Freephone 0800 77 1234 to find out where your nearest public internet access point is. The Scottish Government now also has an email alert system for [SE consultations](#). You can register to receive a weekly email containing details of all new Scottish Government consultations at <http://www.scotland.gov.uk/consultations/seconsult.aspx>.

Access to consultation responses

We will make all responses available to the public in the Scottish Government Library by 1 February 2012 unless confidentiality is requested. All responses not marked confidential will be checked for any potentially defamatory material before being logged in the library.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

**Scottish Government
Children and Families Directorate
September 2011**

RESPONDENT INFORMATION FORM

Please complete the details below and attach it with your response. This will help ensure we handle your response appropriately:

YOUR DETAILS

Tom Hamilton, Director of Education and Professional Learning, General Teaching Council for Scotland
General Teaching Council for Scotland,
Clerwud House, 96 Clermiston Road,
Edinburgh
Postcode EH12 6UT
Contact telephone number 0131 314 6000
E-mail tom.hamilton@gtcs.org.uk

1. Are you responding as: (please tick one box)

- (a) an individual (go to 2a/b)
- (b) **on behalf of** a group or organisation (go to 2c)

INDIVIDUALS:

2a. Do you agree to your response being made available to the public (in the Scottish Government library and/or on the Scottish Government website)?

Yes (go to 2b below)

No, not at all (We will treat your response as confidential.)

2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

ON BEHALF OF GROUPS OR ORGANISATIONS:

3. Your name and address as respondents **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government website). Are you content for your response to be made available also?

Yes



No

(We will treat your response as confidential.)

SHARING RESPONSES/FUTURE ENGAGEMENT

4. We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Government to contact you again in the future in relation to this consultation response?

Yes



No

YOUR BACKGROUND

In analysing your response, it would help us to know what your background is. Please indicate using the boxes provided below the area which best describes your involvement with children and add any further comments you wish to make about this.

Early Years

Education

Health

Justice

Parent/Carer

Police

Social Work

Sport and Leisure

Voluntary Organisation

Other



Further comments:

The General Teaching Council for Scotland (GTCS) is the independent professional body which maintains and enhances teaching standards and promotes and regulates the teaching profession in Scotland.

YOUR VIEWS

On the need for legislation

- Q1** Do you agree that legislation to embed the UNCRC within the Scottish Government's decision-making and day-to-day business is necessary and appropriate?

Yes, the GTCS would support these proposed moves.

The UNCRC already features in the Professional Standards for Teachers.

Proposal 1

- Q2** Do you agree that "due regard" is the appropriate level of regard for the duty on the Scottish Ministers? If not, why not?

Yes. The rationale presented for 'due regard' is convincing.

- Q3** Do you agree that the duty should apply to all the functions of the Scottish Ministers? If not, why not?

While this is potentially very wide it does seem appropriate.

The caveat noted in paragraph 6.3 regarding statutory bodies such as NDPBs is noted and while the GTCS will no longer be in this category from April of 2012 (following its independence) it will continue to be supportive of the UNCRC.

Proposal 2

Q4 Do you agree with the proposed arrangements for reporting?

Five years, in line with other reporting commitments, seems appropriate as does laying the report before the Scottish Parliament.

Proposal 3

Q5 Do you agree with the extension of the duty in respect of UNCRC to young persons aged under 21 who have been looked after?

While the GTCS has general sympathy towards this proposal, no particular rationale is proposed for it in the consultation documentation.

Further consideration should be given to the arguments for such an extension.

Proposal 4

Q6 Do you agree with the proposals for handling future amendments to the Convention or Protocols or new Protocols?

Yes. Future proofing is sensible and the potential timescales for implementation are noted. However, the GTCS also notes the complexity of the UK Government being the signatory with the Scottish Government 'seek[ing] to influence'. This will not always be a straightforward process but is a necessary one.

Other matters

Q7 Is there other provision which should be made in the Bill? (See section 3.3 which sets out what the Bill would not do.)

No.

Q8 Do you have any comments on implementation costs or how they should be estimated?

No.

Q9 Do you have any other comments?

The UNCRC is a very worthwhile worldwide development and it is appropriate that Scotland plays its part in supporting it.

As mentioned above the UNCRC already features in the Standards for Scottish teachers. These are currently under review and the intention of the GTCS will be to continue to be fully supportive of the UNCRC in revised Standards.

Thank you for your time.