

PE1603/II

Petitioners' submission of 31 October 2018

Response to PPC and Deputy First Minister

We would like to thank the Public Petition Committee (PPC) for its report into petition PE1603. We are grateful for all the work the Committee have put into engaging with the issues and evidence and to the Deputy First Minister for his consideration of the report and his reply.

Child Rights and Welfare Impact Assessment (CRWIA)

We support the Committee's recommendation that a CRWIA be undertaken to fully assess the issue, including consultation with young people, parents and guardians as recommended by the committee. This step would be ground-breaking in its application of children's rights and help to provide a framework within which such activities can take place.

We are heartened to see that the Scottish Government has recently announced their commitment to incorporating the principles of the UN Convention on the Rights of the Child (UNCRC) into Scots law and there is currently a consultation open on mainstreaming the UNCRC. We hope this is an opportunity the Scottish Government will take to address the issue in our petition which are recognised by the UNCRC as a concern, as detailed in previous evidence.

We note the Deputy First Minister in his reply states that a CRWIA is normally applied to proposed policy or legislation. We believe the absence of a policy in this area, leaves a de facto unwritten policy in place, and it is appropriate that a CRWIA process is used to determine the impact of the visits on young people, as well as the impact of not putting suggested measures in place.

We would welcome more detail from the Deputy First Minister as to a time frame for his consideration of using the principles of the CRWIA, when we can expect to hear the results of his considerations, as well as transparency as to how and why conclusions in this area are reached.

We've highlighted relevant considerations around CRWIA in the appendix.

Careers information

We welcome the PPC's recommendation and the Scottish Government's recognition that careers information should reflect both the opportunities and the risks of a military career, and that they will work with stakeholders to consider the information provided.

We recommend experts in new research in this area, such as Child Soldiers International and Medact are consulted. We would welcome hearing feedback from those involved as to how this consideration is developing, and being kept informed of any changes that are taking place as a result of it.

Availability of guidance

Given that consideration of policies and measures with regard to rights and wellbeing indicators must be accessible to all, we suggest that guidance regarding armed forces activities in schools could be made available to all local authorities and schools.

We consider that it could include information about participation and consent, balanced information on both opportunities and risks, the importance of balance with input from a variety of employers, as well as how these issues relate to the UNCRC and the rights and wellbeing of children and young people.

Data collection

We welcome the PPC's recommendation that data about visits is made publicly available by the Ministry of Defence for scrutiny purposes. This data is also necessary for the CRWIA process and associated monitoring.

We note that the Committee did not detect targeting of schools in areas of higher economic deprivation. We have addressed this in previous submissions and our reports on armed forces visits to schools in Scotland and recognise visits to certain schools to be a complex issue with a number of active factors. However, we reiterate here that levels of deprivation also operate within schools, with some pupils more likely to be targeted for armed forces activities than others.

We suggest in the appendix, how the visits impact groups differently could be part of a CRWIA process scoping stage. We would welcome hearing from the Scottish Government how these issues have been taken into account when it comes to their consideration of using a CRWIA process.

APPENDIX CRWIA details

We highlight some things to consider around the CRWIA process with regard to armed forces visits to schools, referring to the publication 'When and how to best use the CRWIA: Guidance for Scottish Government Officials' published by the Scottish Government in 2015.

Stage 1 – Screening

CRWIA is an important tool in this area for the following reasons:

- The policy or lack of policy has a direct impact on children and young people. In addition, some young people, may be affected more by the lack of policy in this area - particularly those coming from more disadvantaged communities, in primary schools and in special schools.
- The UN Committee on the Rights of the Child has made specific recommendations to the UK Government that visits by the military for recruitment purposes be minimised, in addition to other recommendations around target audiences for recruitment marketing.
- CRWIA will help to determine how, and if, armed forces visits to schools can be carried out in a way that is compliant with the UNCRC, while safeguarding the rights and wellbeing of children and young people.

Stage 2 and 3 – Scoping, data collection and evidence gathering, involvement and consultation

The main areas of research and data needed:

- Number of visits by type and area of school: some data has already been provided by the MoD and the Public Petitions Committee has made recommendation that data is routinely provided which would help build a longer term picture of the situation.
- Qualitative research: information about how different types of visits (careers presentations and events, curriculum, personal development, interviews for workexperience/taster residentials at bases) are conducted in practice and what materials are used during the activities would provide a detailed understanding.
- Particular factors relating to individuals' rights and wellbeing indicators: assessing existing relevant research will greatly inform the CRWIA rationale and process, including: into the risks and obligations associated with an armed forces career; how young people respond to decision-making and marketing; and, how these impact various groups.
- Consultation with young people and their parents/guardians: a small amount of focus group research was undertaken by the Scottish Youth Parliament on this issue; further consultation would help to build a picture of how individuals (differentiated by demographic and socio-economic group) respond to the activities and how they think oversight could be helpful.

The PPC recommended that a system of ongoing consultation of students and parents/guardian around particular armed forces activities in their school should be explored during the CRWIA process.

As submissions to the petition highlighted, the rights of individuals in this area are complex and could be assessed as qualified rather than absolute rights. It is important to examine how day to day consultation around individual visits/activities can take place in a practical way that recognises the rights of children and their parents/guardians to information and choice about taking part in armed forces activities in their school.

In addition to a range of stakeholders such as local authorities, schools and Skills Scotland, we suggest that the Scottish Commissioner for Children and Young People, Together (Scottish Alliance for Children's Rights), and Child Soldiers International would provide expert advice on the relevant UNCRC articles, optional protocols and concluding observations and recommendations.

Stage 4 - Assessing the Impact

The impact of introducing regulation, consultation and guidance around armed forces visits to schools will be to foreground understanding that military careers carry with them unique risks and considerations, some of which have greater impact on the youngest recruits from disadvantaged backgrounds. This would strengthen the awareness of schools and careers services in their duty of care in providing young people with an informed and balanced understanding.

A further impact would be to encourage schools to offer a balanced input from employers and outside curriculum providers which cover a variety of options on careers and alternative views on what are controversial subjects.

As noted above, we consider that the impact of not providing regulation, guidance and scrutiny in this area should be considered.

Stage 5 - Recommendations, Monitoring and Review

We consider that it is important to have a system in place to monitor the implementation of policy provisions in relation to the CRWIA and evaluation of the effectiveness of the measures, which can be made available to the public.