

Dr Claire Methven O'Brien

Dear Sir/Madam

In connection with the Committee's upcoming hearing on the draft Cross-border Placements (Effect of Deprivation of Liberty Orders) (Scotland) Regulations 2022, I am writing to share a recent short article (link below).

The article concerns the role and influence of private equity investors in the UK children's home sector generally, rather than the specific issue of cross-border placements.

However, it highlights both i) general tendencies of concern in terms of the role and impacts of private investors and specifically private equity in the sector, and associated accountability gaps; ii) human rights standards concerning business activity that apply to and which ought to guide the considerations of the Scottish government in this area.

Here is a link to the article in question:

<https://www.openglobalrights.org/private-equity-and-child-care-homes-a-socially-responsible-investment/>

I understand that these are areas of concern for the Children and Young People's Commissioner Scotland in relation to the draft Regulations, as reflected in the Commissioner's evidence to your Committee.

The UN Committee on the Rights of the Child and the UN CESCR have both produced guidance on human rights and business which clearly address the area of contracting out of private services and analogous arrangements that is also relevant in the current context:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1a0Szab0oXTdlmnsJZZVQclMOuuG4TpS9jwIhCJcXiuZ1yrkMD%2FSj8YF%2BSXo4mYx7Y%2F3L3zvM2zSUBw6ujInCawQrJx3hIK8Odk6DUwG3Y>

<https://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.16.pdf>

I hope this is helpful and would of course be happy to address any queries arising.

Best regards
Claire Methven O'Brien