

# **Children and Young People’s Commissioner Scotland.**

## **Supplementary Evidence for the Children (Care and Justice) Bill**

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Established by the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner is responsible for promoting and safeguarding the rights of all children and young people in Scotland, giving particular attention to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner has powers to review law, policy and practice and to take action to promote and protect rights.

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The Commissioner is fully independent of the Scottish Government.

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During the evidence session on the above bill on 22<sup>nd</sup> March 2023, our Policy Officer committed to provide additional information on our views on secure transport, based on our response to the Scottish Government consultation on the bill.

In our response, we stated that children under 18 should not ever be transported in adult secure transport or in the company of adult prisoners.

Our office commented on the draft National Secure Transport for Children Service Specification through the Secure Care Group and expressed concern that the draft at that time did not distinguish between policy and law, including international law, clearly enough, with the result that it is not clear which aspects of the specification are legal obligations. We said that reference should also be made to the full range of human rights treaties which are relevant to secure transport. We note that improvements have been made in that regard subsequently, though we have not undertaken another detailed assessment of the Specification.

Our view is that decisions about the appropriate transport for a child should be made on an individual basis, taking into account their best interests, based on national minimum standards to ensure consistency of approach.

In terms of restraint during transport, while we welcome the Specification seeking to place limits on restrictive practices, we would repeat our strong view that rights are best protected by law. There needs to be a single coherent legal framework to cover every circumstance in which children in the care of the State may be subject to restraint, seclusion or restrictive practices, including secure transport. Scottish Government must progress this as a matter of urgency. Any guidance on restraint needs to be on a statutory basis.

I hope that this information is helpful to the Committee.