



## Draft Strategic Police Priorities for Scotland

16-08-16

Who Cares? Scotland [WC?S] is an independent advocacy and campaigning organisation working with care experienced people. We provide direct advocacy to care experienced young people, as well as opportunities for national and local participation. WC?S aims to provide looked-after young people in Scotland with knowledge of their rights. We strive to empower them to positively participate in the formal structures they are often subject to solely as a result of their care experience. At WC?S we utilise the voice of the care experienced population of Scotland to inform everything we do as an organisation.

### 1. Do the revised Strategic Police Priorities sum up your ambitions for your police service

The Strategic Police Priorities (SPPs) are welcome, commendable and reflect what contemporary Scotland stands for, and what it needs. It is a considerable challenge to ensure that all views and ambitions from distinct and varied groups across Scotland are reflected and WC?S believes that the SPPs succeed in doing so.

Statistics reveal that care experienced children and young people make up only 0.5% of the general population but make up 33% of Scotland's youth offender population and 31% Scottish adult prisons.<sup>1</sup> It is clear that as a group care experienced children and young people have heightened levels of contact with the police. It is important to note that contact with the police can occur regularly and is often not due to a child or young person displaying harmful behaviour. We know that many care experienced children first come into contact with the police under negative circumstances in the family home. Many care experienced children and young people tell us that their main interactions with the police occur from stop and searches, going missing and police visits to where they live, for example children's homes.

Part 9 of the Children and Young People (Scotland) Act 2014 identifies Police Scotland as corporate parents which means that they have legal duties to care experienced young people.<sup>2</sup> The Act identifies the need for corporate parents to 'safeguard or promote the wellbeing' of these individuals.<sup>3</sup> The concept of wellbeing can be understood through the SHANARRI indicators – Safe, Healthy, Nurtured, Active, Respected, Responsible and Included. It is imperative that the concept of 'wellbeing' is understood by corporate parents and is central to the role they play in supporting young people. Corporate parents must also have a thorough understanding of rights and how they apply to care experienced young people. WC?S believes

<sup>1</sup> Scottish Prison Service. 2016. *Prisoner's Survey 2015 – Young People in Custody*. SPS: Edinburgh.

<sup>2</sup> Children and Young People (Scotland) Act 2014 (asp 8).[online] <http://www.whocaresScotland.org/professionals/publications-briefings-research/>

<sup>3</sup> Ibid.

that these corporate parenting duties need to be awarded an elevated position within the SPPs as this is an instrumental step towards recognising and acting out corporate parenting duties.

In WC?S' response to the review of the police strategic policies in February we outlined three key expectations that care experienced children and young people in Scotland have for their police service;

- Trained
- Trusted
- Visible

WC?S believes that these ambitions are met to a certain extent within the SPPs. However, further consideration and recognition still needs to be given to some aspects of these expectations.

Care experienced children and young people told us that they need Police Scotland to be trained to meet their specific needs and to understand what life before care, in care and after care is like. Developing an understanding of the challenges that care experienced children and young people face should reduce the stereotyping that young people tell us they experience. WC?S therefore welcomes the SPP 'Collaborative Working', which states the aim to build partnerships to improve effectiveness across the board. This aim is also conducive with Police Scotland's corporate parenting duties. We particularly support the element that calls for policing not be limited to traditional activities and instead move towards an embracement of wider public service goals.

We know that care experienced children and young people value trusting relationships and that they can be the most important thing in their lives, especially at times of crisis.<sup>4</sup> The police are in a position able to provide care experienced children and young people with positive and trusting relationships. Care experienced children and young people recognised that police relationships with them need to be improved and that this would best happen through positive engagement. The SPP 'accountability' recognises the need to 'inspire trust [and act] with integrity, fairness and respect' which is exactly what care experienced children and young people have asked for. However, this SPP appears to focus on the accountability of public services and does not consider how this trust will be built with children and young people through day to day engagement. We recognise and agree with this SPP but ask that the methods for maintaining, and in some cases, building public trust with care experienced children and young people will happen.

We know that care experienced children and young people can feel negatively towards the police. When this feeling is unpacked, it often transpires that this is due to a combination of general mistrust which is encouraged by popular opinion and solidified by negative personal experiences.<sup>5</sup> Some young people in care describe being frequently asked to comply with police stop and searches. They may feel that this is due to the police stereotyping them due to their looked after status. At the other end of the scale, when young people describe positive police interactions they often cite the reason for the positivity to be a kind and understanding officer, who has taken the time to build a relationship with them, or simply positively interacted with them.

Research has shown the importance that young people place on meeting the police and being allowed the time to speak to them.<sup>6</sup> WC?S recommends more events which allow young people to engage with the

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<sup>4</sup> Who Cares? Scotland. 2016. Response to Scottish Police Strategic Policies Review. [online]

<[http://www.whocaresscotland.org/professionals/4\\_whocaresscotland.org/professionals/publications-briefings-research/](http://www.whocaresscotland.org/professionals/4_whocaresscotland.org/professionals/publications-briefings-research/)>

<sup>3</sup> Who Cares? Scotland. 2015. WC?S response to Police Scotland stop and search consultation. [online]

<[http://www.whocaresscotland.org/professionals/5\\_whocaresscotland.org/professionals/publications-briefings-research/](http://www.whocaresscotland.org/professionals/5_whocaresscotland.org/professionals/publications-briefings-research/)>

<sup>6</sup> Elsey, S. *et al.* (2013) Children and young people's experiences of, and views on, issues relating to the implementation of the United Nations Convention on the Rights of the Child [online] <<http://www.gov.scot/Resource/0042/00427287.pdf>>

police in an informal way at a time and place that suits them. Engaging with care experienced children and young people through fun activities in non-threatening circumstances allows for honest communication and learnings for both parties. Representatives from Police Scotland have attended WC?S's main events this year and this has led to positive feedback from young people and the police. Two representatives from Police Scotland attended the WC?S summer camp in July and used the opportunity to get involved in activities with care experienced young people and also conducted a survey on return home interviews. Police Scotland also attended our campaign event in May during which we launched the next stage of our anti-stigma campaign.

Visibility was the last key expectation expressed by care experienced young people, this ambition has the potential to be met by the 'accountability' and 'localism' SPPs. We support this aim but we believe that as corporate parents, distinct consideration should be given to each local care experienced population to meet their individual needs. It is crucial that the care experienced children and young people are given a strong voice in the decisions that affect them. Effective participation methods that allow children and young people to fully engage will be essential to avoid tokenistic inclusion and may be best achieved through collaborate working.

Hand in hand with promoting wellbeing comes reducing harm. The main purpose of policing, as set out in the policing principles within the Police and Fire Reform (Scotland) Act 2012 is 'to improve the safety and well-being of persons, localities and communities in Scotland... [by] promot[ing] measures to prevent crime, harm and disorder'.<sup>7</sup> We know that most children who harm, have been harmed themselves; the link between trauma and behaviour is well acknowledged.<sup>8</sup> WC?S believes that in order to protect children and young people who are vulnerable to harmful behaviour towards themselves or others there needs to be early intervention and support from a multi-agency approach. WC?S believes that the SPP 'prevention' should acknowledge this and aim for the prevention of harm to children and young people in the first place rather than citing early intervention as intervening when a child or young person themselves displays a form of harmful behaviour.

## **2. Do the revised Strategic Police Priorities reflect the needs of your local community or the community you serve?**

The needs of care experienced children and young people vary between location, care setting and individual. Please see our response to 'Review of our Scottish Strategic Police Priorities' submitted in February for more information on this.<sup>9</sup>

Unfortunately care experienced children and young people's needs remain unmet too frequently. As mentioned in question 1, WC?S thinks that further consideration should be given to the distinct needs of care experienced children and young people. This can be achieved through CRWIAs providing that this tool is subsequently used to develop the SPPs.

## **3. Do you have anything to add to our impact assessments?**

Looked-after children and young people are some of the most marginalised and socially excluded groups in Scotland. As a result of their often traumatic and unsettled experiences, they can struggle to engage with services and individuals alike. This lack of connection to their community and to those services best placed to support them can often mean that young people with care experience face rights abuses and

<sup>7</sup> Police and Fire Reform (Scotland) Act 2012 (asp 8). [online] <<http://www.legislation.gov.uk/asp/2012/8/section/32/enacted>>

<sup>8</sup> The Report of the Advisory Group on the Minimum Age of Criminal Responsibility. 2016. [online] <[https://consult.scotland.gov.uk/youth-justice/minimum-age-of-criminal-responsibility/supporting\\_documents/00497071.pdf](https://consult.scotland.gov.uk/youth-justice/minimum-age-of-criminal-responsibility/supporting_documents/00497071.pdf)>

<sup>9</sup> WC?S Response to Scottish Police Strategic Policies Review. [online] <<http://www.whocaresscotland.org/professionals/whocaresscotland.org/professionals/publications-briefings-research/>>

inequalities on a considerable scale. WC?S believes that if 'care experience' was classified as a Protected Characteristic then the disproportionately poor outcomes of care experienced children would have to come under further scrutiny. We therefore ask that care experience is considered a protected characteristic which is assessed alongside those such as race, sexuality and disability for adults and children and young people.

WC?S supports Together Scotland's ask for a full CRWIA to be undertaken in order to address the impact that the SPPs may have on all groups of children, specifically looked after children. We urge that current CRWIA findings and any potential additional findings are implemented within the SPPs.

WC?S also supports Together Scotland's suggestion that UNCRC Articles 13(freedom of expression), 15 (freedom of association) and 31 (right to leisure, play and culture) are included within the list of relevant rights.

### **Main Recommendations**

- Police Scotland are considered corporate parents by the Children and Young People (Scotland) Act 2014, this duty should be reflected within the SPPs.
- A more thorough child's rights and wellbeing impact assessment should be conducted which considers all protected characteristics in relation to children and young people. Care experience should be included within the protected characteristics.

If you wish to discuss this consultation response, please get in touch.

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