



# The Church of Scotland

Church and Society Council

## Official Response

**SUBJECT:** Children and Young People (Scotland) Bill: Stage 1  
**REQUESTED BY:** Education and Culture Committee  
**REFERENCE:** OR-2013/03  
**DATE:** 26 July 2013  
**SUBMITTED BY:** Chloe Clemmons, Scottish Churches Parliamentary Officer,  
[chloe@actsparl.org](mailto:chloe@actsparl.org)

### Introduction

1. This response has been submitted by the Church and Society Council of the Church of Scotland. As we stated in our response to the Scottish Government's consultation "A Scotland for Children" in 2012<sup>1</sup>, we support the intention to improve the lives of children and young people in Scotland, and the aspiration to make Scotland the best place to grow up. This sentiment is expressed in our 2009 report to the Church of Scotland General Assembly "Growing Up in Scotland Today"<sup>2</sup>. However, we have some concerns about the Bill as it is currently drafted. We would also wish to underline those areas within the proposed changes that we particularly welcome. In particular, we would like to see greater emphasis on a child's right to spiritual development.

### Children's Rights

2. We agree with the importance of the UN Convention on the Rights of the Child and support the Scottish Government's intention to place children's rights at the heart of policy-making. We are supportive of the important work done by the Scottish Commissioner for Children and Young People and many of the charities working with children in seeking to respect children's human rights. Whilst Scottish Ministers are already implicitly subject to a requirement to promote and raise awareness and understanding of the rights of children and young people through the UNCRC, we are happy with the strengthening of this requirement through this Bill. However, placing this duty on a statutory footing will only help to solidify the place of children's rights at the heart of decision-making if there is a robust mechanism for keeping Scottish Ministers accountable in this regard. We therefore support the requirement for a reporting cycle of five years.

---

<sup>1</sup> <http://www.actsparl.org/media/138611/or-cos-consultation%20on%20the%20children%20and%20young%20people%20bill-sept%202012.pdf>

<sup>2</sup> [http://www.churchofscotland.org.uk/\\_data/assets/pdf\\_file/0018/3870/growing\\_up\\_scotland\\_ga09.pdf](http://www.churchofscotland.org.uk/_data/assets/pdf_file/0018/3870/growing_up_scotland_ga09.pdf)

### Christian response to Children's Rights

3. The Christian basis for children's rights lies in the recognition that all human beings are created in the image of God. There is an equality in all humanity which does not depend on age, understanding, maturity or mental or physical capacity. Children and young people are not isolated individuals removed from a context of family, community and relationships; there is an obligation on wider society to nurture and care for them. The Churches' historic presence in Scottish community life, and in developing Scotland's education system means that we are particularly aware that the State is by no means the only initiator or provider of services focused on the holistic development and wellbeing of children and their families.

### A right to be free from poverty

4. This focus on children and their rights is one way of expressing our broad concern for the wellbeing of children in all respects. Central to that concern is the scandal of child poverty. Not only is child poverty a scandal in and of itself, but it is bound up with so many of the other social factors that can blight children's lives – the health inequalities that mean dramatic differences in life expectancy at birth between children born in neighbouring communities, the higher vulnerability to crime of children in deprived areas and so on. The Church of Scotland is associated with the End Child Poverty coalition in Scotland, and at a local level, many churches across Scotland are involved not only in running projects which directly tackle poverty but also in campaigning for a more just and equal society.

### A right to spiritual development

5. Most, if not all, of the international documents which define the rights of children recognise in some form a right to spiritual development. We believe that children have rights because they bear the image of God and so it is essential that the spiritual dimension of growing up is not ignored. For children who grow up in families with a belief or faith tradition, the spiritual dimension of life will be embedded into their life together. Those who do not have that kind of family background may only have the opportunity to discover the spiritual dimension of life either through engagement in church-based activities or through schools. Churches and other religious groups play a formative role in the development of many children growing up in Scotland, whether through attendance at services, involvement in faith-based activities, such as uniformed organisations, or the role played by chaplains in schools across the country. We affirm and support the role of other faith based groups providing spiritual development to young people. There is a long tradition in non-denominational schools of chaplains or chaplaincy teams offering support for pupils, staff and parents without reference to whether or not they are people of faith. This is an important support network which is provided and is available to many of Scotland's children.

This right should also be borne in mind when considering paragraph 7 (Wellbeing Indicators) of our response.

## Children's Services: Named Person

6. As stated in our response to the 2012 Scottish Government consultation, we raised our concern with the Named Person approach. We recognise that the majority of respondents to the consultation were in favour of a Named Person. We, however, remain concerned about the potential that this approach has to contribute to a general diminishing of parental responsibilities. We fully recognise that for some children there is a need for additional assistance and intervention, but with those children in mind, we are concerned that the resource and training implications of designating a Named Person for every child may be counterproductive to offering heightened attention and intervention to those children who require it most.

## Wellbeing Indicators

### Spirituality

7. As we previously highlighted in our response to the Scottish Government's consultation in 2012, the SHANARRI Wellbeing Indicators, listed in Part 13 section 74 (2) of the Bill, do not include spirituality. We find this to be a serious omission and would like to see this addressed as the Bill progresses through the parliamentary process. The importance of spiritual development as an integral part of being human has been acknowledged by successive Scottish administrations and has now been incorporated into the education system through the inclusion of Religious Observance in schools. The definition of Religious Observance (offered by the Religious Observance Review Group Report and ratified by Scottish Ministers) is: "*community acts which aim to promote the spiritual development of all members of the school's community and express and celebrate the shared values of the school community*"<sup>3</sup>. We believe that spiritual development is crucial, not only for the individual child, but for the development of the community ties that make a good, just and equal society. We are therefore very strongly of the opinion that the commitment to including spirituality within the indicators of wellbeing is an aspect which we would value the Committee's consideration.

---

<sup>3</sup> [http://www.educationscotland.gov.uk/resources/c/genericresource\\_tcm4650443.asp](http://www.educationscotland.gov.uk/resources/c/genericresource_tcm4650443.asp)