



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities and Human Rights Committee

Thursday 21 June 2018

Session 5



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EQUALITIES AND HUMAN RIGHTS COMMITTEE

19th Meeting 2018, Session 5

CONVENER

*Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)

DEPUTY CONVENER

*Alex Cole-Hamilton (Edinburgh Western) (LD)

COMMITTEE MEMBERS

- *Mary Fee (West Scotland) (Lab)
- *Fulton MacGregor (Coatbridge and Chryston) (SNP)
- *Oliver Mundell (Dumfriesshire) (Con)
- *Gail Ross (Caithness, Sutherland and Ross) (SNP)
- *Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

- Mary Berrill (Education Scotland)
- Dr Katherine Botterill (Edinburgh Napier University)
- Katie Ferguson (respectme)
- Carolyn Fox McKay (Girlguiding Scotland)
- Rogier Huizenga (Inter-Parliamentary Union)
- Gianni Magazzeni (Office of the United Nations High Commissioner for Human Rights)
- Bill Ramsay (Educational Institute of Scotland)
- Dr Daniela Sime (University of Strathclyde)
- Iain Smith (Inclusion Scotland)
- Cara Spence (LGBT Youth Scotland)
- Carol Young (Coalition for Racial Equality and Rights)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Equalities and Human Rights Committee

Thursday 21 June 2018

[The Convener opened the meeting at 09:03]

Human Rights and the Scottish Parliament

The Convener (Christina McKelvie): Good morning and welcome to the 19th meeting in 2018 of the Equalities and Human Rights Committee. I make the usual request to members to put their electronic devices into flight mode and keep mobile phones off the table.

Item 1 is the continuation of our inquiry into human rights and the Scottish Parliament. We have an oral evidence session with Gianni Magazzeni, who is chief of the universal periodic review branch office of the Office of the United Nations High Commissioner for Human Rights, and Rogier Huizenga, who is manager of the human rights programme at the Inter-Parliamentary Union. We are linking up to our witnesses in Geneva via videoconference.

I am just checking that you can both hear us okay—I see that you can; that is wonderful. I understand that both of you want to make opening remarks. Does Gianni Magazzeni want to go first?

Gianni Magazzeni (Office of the United Nations High Commissioner for Human Rights): Yes. Thank you very much, convener and distinguished members of the committee. We are pleased to provide evidence to you this morning. Our remarks will be very much of a general nature: we will outline how the secretary general, the high commissioner and the Human Rights Council see the relationship between Parliaments and human rights.

I start by referring to a report that the secretary general issued to the general assembly last year. He said:

“At the national level, Parliaments play a crucial role in the promotion and protection of human rights as legislators and as overseers. They lay the foundation for the rule of law and the respect for and protection of human rights”.

He went on to say:

“Parliaments can ensure transparency and accountability for States’ human rights obligations and in following up and ensuring the implementation of recommendations by regional and international human rights mechanisms.”

He pointed out:

“While human rights are a cross-cutting issue that should be taken into account by all parliamentary committees, the establishment of a parliamentary committee with an exclusive human rights mandate sends a strong political message and should be encouraged.”

In the same report, the secretary general recommended the development of international principles that could guide the strengthening of the engagement between Parliaments and human rights mechanisms.

Over the past years, the Office of the High Commissioner for Human Rights and the IPU have worked very closely in connection with a number of Human Rights Council endeavours that were to do with strengthening the engagement of Parliaments with human rights. The most recent endeavour was last year’s Human Rights Council resolution 35/29, which called for, among other things, a study on strengthening the engagement of Parliaments with the Human Rights Council and its universal periodic review mechanism.

The report, “Contribution of parliaments to the work of the Human Rights Council and its universal periodic review” was issued just a few days ago—we have shared it with you—and it will be considered during the current session of the Human Rights Council, session 38.

Why is the connection of Parliaments with the Human Rights Council, and especially the UPR, so relevant? The universal periodic review entered its third cycle on 1 May 2017, which focuses on implementation of recommendations, and the role of Parliaments is critical in efforts to ensure greater implementation by all stakeholders. The report of the secretary general last year referred to the fact that more than 50 per cent of the recommendations from the universal periodic review required some kind of action by Parliaments in order to be implemented. It is therefore critically important that Parliaments are involved in all phases of the universal periodic review: the preparation of the national report; the review, in Geneva, in the Human Rights Council; and, more important, follow-up action at country level in connection with the implementation of recommendations.

Something that I want to flag up at the beginning is that the report that was presented to the Human Rights Council contains draft principles on Parliaments and human rights. Those principles clearly encourage the establishment of human rights committees in Parliaments and include elements of the terms of reference, transparency, composition and working methods of such committees, which we hope will provide encouragement for Parliaments that do not yet have a dedicated committee that deals with the oversight function with respect to their Governments’ responsibility for the promotion and

protection of human rights, in line with the legal obligations that result from the ratification of international human rights treaties or the political commitments that Governments make when they interact with international human rights mechanisms, especially the universal periodic review.

The Convener: Thank you very much, Gianni. This is the first time that a committee of the Scottish Parliament has engaged so directly with the UN, so we are extremely grateful to be able to hear from you on some of the details of the draft principles. Rogier, do you have anything to add to Gianni's opening statement?

Rogier Huizenga (Inter-Parliamentary Union): Yes. Thank you very much for inviting the IPU to be part of this exercise. We are very pleased to engage with your committee, because we know that it has been at the forefront of promoting human rights. We are aware of several good practices that your committee has shown, which we think can inspire other committees around the world to better promote and protect human rights.

I want to make eight points about the work of parliamentary committees in relation to the work that the IPU has been doing, which I hope will be particularly relevant to your committee. My first point is about the parliamentary human rights committee model. I understand that, two years ago, it was decided that your committee should include human rights as well as equalities in its remit. The IPU has always been a strong advocate of having dedicated parliamentary human rights committees but, at the same time, we have highlighted the importance of making sure that those committees do not work in isolation from other committees but co-ordinate and co-operate closely with them. In some cases—I am not suggesting that this is the case in Scotland; quite the contrary—such committees have been set up just to pay lip service to human rights. If there is no real willingness and commitment within the Parliament as a whole, the human rights committee will not be terribly effective.

My second point is about the importance of parliamentary human rights committees setting out clear objectives and establishing a work plan for the full parliamentary session.

Thirdly, it is important that there is strong committee involvement in UN monitoring mechanisms. As Gianni has just said, at the moment the UN is favourably disposed to engagement with Parliaments. There is a momentum, and it is important that Parliaments seize that opportunity when it comes to the universal periodic review and the work of the UN treaty bodies by making sure that they are aware that the national report is to be prepared, that they put the issue on the agenda and that they discuss

that report with the relevant ministries and officials. They should also find out whether it is possible for parliamentary representatives to be included in national delegations to those UN mechanisms. Most important, perhaps, is that they are aware of the recommendations and concluding observations that emerge from those mechanisms, and that they question the relevant authorities about implementation.

Fourthly, it is important that Parliaments work as much as possible with and draw on the expertise of their national human rights commission. Not so long ago, we did a survey that looked at the implementation of the Belgrade principles on the relationship and co-operation between Parliaments and national human rights institutions. It emerged clearly from that survey that national human rights institutions regularly present reports to Parliaments, but that there is a lot to be desired when it comes to feedback on those reports and follow-up action. I will illustrate that with a figure. When NHRI reports are presented, Parliaments take follow-up action in only 25 per cent of cases, and most of the actions that are taken are not conveyed or communicated to the NHRIs.

Fifthly, effective oversight of Government action should be made a priority by addressing challenges to such oversight. That is relevant to not just your committee but all parliamentary committees. A suggestion from the IPU is that those challenges could be addressed by drawing on the best practices that are listed in the "Global Parliamentary Report 2017", which the IPU and the UN development programme launched last year. That report deals exclusively with the issue of parliamentary oversight, and it made quite a number of recommendations that are useful across the board in Parliaments.

My sixth point is about the importance not only of reviewing the compliance of draft legislation with human rights before the legislation is adopted, but of doing an ex post human rights impact assessment of the implementation of that legislation. It should be made clear when bills are adopted that there will automatically be a review of respect for human rights within two, three or five years.

Obviously, we are aware that the Human Rights Act 1998 is formulated on the European convention on human rights but, ideally, we should also think about the UN monitoring bodies.

09:15

My seventh point is on the importance of Parliaments taking the lead in promoting national debate on human rights issues. The IPU has seen time and again that it is important not to leave human rights to experts alone. Human rights often

require tough political choices to be made. It is important that Parliaments, together with the audience at large, national human rights commissions, civil society organisations and academia, seize on the opportunity to offer a public national platform to initiate that debate. It is also important to go to citizens and to be on the move as much as possible.

My last point is on the importance of monitoring the impact of the committee's work, in terms of processes and substantive results. Where has the committee been able to make a difference? That is useful not only for your own citizens but for us, because we are trying to collect as many global examples as possible in which we can show very clearly that a Parliament's involvement was important not only from a purely procedural perspective but because it was able to better deliver human rights as a whole.

The Convener: Thank you very much. Those are excellent points. We are already working on a number of them, so we feel as if we are on the right track.

Gail Ross (Caithness, Sutherland and Ross) (SNP): I thank the witnesses for joining us. It is a great honour to be able to speak to you and it is great to get feedback on what the committee and the Scottish Parliament are doing well and what we could do better.

Rogier Huizenga spoke about including members of society as well as members of Parliament in the national debate that we need to have. How can the Scottish Parliament empower our society to make people more aware of their rights under domestic and international human rights law? How can we help to build a strong culture of human rights in Scotland?

Rogier Huizenga: As I mentioned, Parliaments should try to be on the move and as close to citizens as possible, and to be present not only in the capital. The Parliament should meet citizens, because their concerns can be different depending on the region or part of town where they live, so the Parliament should be seen to be reaching out as much as possible. That is an important symbolic step. By doing that, you might get other kinds of feedback from that which you would normally get from sitting where you normally sit.

It is important that the public sees that the work is done in a bipartisan spirit and that all parties in the Parliament can rally around human rights issues.

We have also seen parliamentarians use their work as an opportunity to have hearings on specific human rights themes not only in the capital but across the country. Such hearings can be the catalyst for bringing people together and they have a mandate to do so. That, in itself, is

very useful when addressing specific and urgent human rights topics within a country's given context.

Some parliamentarians work a lot with schools, by going to schools and talking about human rights as much as possible. Schools are incredibly appreciative of such work and, through its reporting in the media, parliamentarians are seen to be taking a particular step. It is important that the public sees that work happening. Practically speaking, it also gives a strong signal that MPs individually and committees as a whole are engaged.

Mary Fee (West Scotland) (Lab): My question follows on from the one that was posed by my colleague Gail Ross. How can we, as parliamentarians, ensure that the duty bearers—the people who are responsible for human rights—know what those rights and duties are and how they should be carried out?

Gianni Magazzeni: I mentioned that the third cycle of the UPR is focused on implementation and, as part of the stronger focus on implementation on the part of the entire UN system—not just the office of the High Commissioner for Human Rights—we encourage a number of steps to be considered at national level. One of them is the creation of national mechanisms for co-ordination and follow-up of all the requirements under international human rights treaties, including treaty bodies' recommendations and the recommendations from the universal periodic review. There has been progress on that in at least 50 countries.

We are engaged in supporting the strengthening and reinforcing of such mechanisms of co-ordination. They are led by the Executive—often, it is the minister of justice and/or foreign affairs—but I emphasise that we have always reiterated that good practice includes the involvement of Parliaments in those bodies. That is because, as we said earlier, Parliaments play a key role in implementation of more than 50 per cent of recommendations from the universal periodic review—actions that require legislative reform or other steps that require them to be directly involved—and because of their oversight function vis-à-vis Government responsibility for policies and action.

The recommendations from the UPR do not end there. Countries that have gone through the third cycle already will come back in 2021 or 2022 and the focus will again be on what has been done vis-à-vis recommendations that they received, especially those that they accepted. Parliamentary awareness of the recommendations and the position that the member state concerned has taken is fundamental to the mechanism and the universal periodic review, to any plan of action for

the next four and a half years and to implementation.

As the secretary general will say in his report, the role of Parliament is crucial. If there is more effort at implementation, we will see tremendous benefit on two other fronts. The first is the prevention agenda, which involves addressing and reducing the root causes of IDPs—internally displaced persons—mass exoduses and people becoming refugees. Yesterday was refugee day, and we heard from our colleagues in the UNHCR that we are at 68.5 million refugees today, which is the highest number since world war two.

The second point is that the more we focus on implementation of recommendations from the human rights mechanism, the more we will contribute to the success and sustainability of the 2030 agenda and the sustainable development goals.

Mary Fee: One of the people who gave us evidence suggested that the introduction of human rights officers in public bodies would be an important step forward. Do you agree?

Gianni Magazzeni: I am not sure that I am in a position to answer that question. We are emphasising the need for all Parliaments to have a strong focus on human rights and to have a parliamentary committee that deals with them, and not just the foreign-policy aspects—the situation in other countries, which is tremendously important, especially for official development assistance—but because of the Parliament's oversight role vis-à-vis the legal obligations and political commitments that are made by the state. That is already an important step forward in many jurisdictions.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Thank you for joining us this morning. A lot of people who have given evidence to the committee have raised concerns about Brexit, and the idea that it might weaken Scotland's and the United Kingdom's human rights protections. Have you any thoughts on that, and on how this Parliament could seek to protect such rights as we go through the Brexit process?

Gianni Magazzeni: I am not sure that I am in a position to comment on that. I would say that it goes beyond my responsibilities.

I reiterate that, for us, one of the most important objectives of this meeting is to encourage greater action on, and knowledge of, international human rights obligations and the recommendations that are made to member states, so that follow-up action can be taken. In our view, that can only contribute to advancing the promotion and protection of human rights, and to the strengthening and resilience of society. As I mentioned earlier, we also make an important contribution to developing peace and security.

Rogier Huizenga: As well as Brexit, there is the issue of the UK's relationship with the European convention on human rights. This is also an important opportunity to highlight the importance of the UN human rights treaties and mechanisms. In the UK context, the focus has been very much on the ECHR, which is understandable and welcome. However, in this time of uncertainty as to where things will go with the Human Rights Act 1998, it is also wise to make sure that the work of the UN human rights treaties and monitoring bodies is fully included as a reference in the committee's work.

Oliver Mundell (Dumfriesshire) (Con): I start with a brief follow-up to the previous question. Could the panel comment on the fact that a large number of countries outside the European Union have good human rights practices?

Gianni Magazzeni: We not only encourage good practice but try to share good models so that countries undertake their obligations and follow up recommendations, especially those that they have accepted and that strengthen their national protection systems. For us, that means having a variety of things, including a strong independent judiciary, a Parliament with a human rights committee, national institutions in line with the Paris principle, and space for civil society and for human rights defenders to do their investigative work. There are certainly some good examples in the European context, and we encourage those as well as those in other contexts.

Again, for us, the most important thing is to make the third cycle of the UPR focus on the implementation agenda. We very much look forward to greater engagement at national level on the part of Parliaments. In our view, it is important that the examples of those that already have human rights committees and play an oversight role vis-à-vis international obligations on human rights action and policies are well known and, potentially, followed by other countries.

We certainly encourage such good practices. A week from today, we will have a discussion at the IPU and the Human Rights Council to share a few of those practices so that member states and representatives of Governments, as well as all reporting stakeholders, can take stock of such positive developments and learn from them. We hope that we will then see increasing engagement on the part of Parliaments at international, national and regional levels.

Oliver Mundell: You talked about national and regional levels. The UK is the member state, so most treaty obligations, and certainly the treaty-signing process, rest at UK level. How do you see the interaction between devolved Parliaments such as ours and national Parliaments such as the UK Parliament?

09:30

Gianni Magazzeni: I am not sure that I am in a position to comment on the internal distribution and devolution of powers and responsibilities. The critical issue is having more engagement by Parliaments, especially if we want progress on the implementation agenda as part of the third cycle. If we want more results that improve the human rights situation at country level—especially for vulnerable groups and other affected minorities—we need greater knowledge, greater involvement and greater oversight by Parliaments. We hope very much to contribute to that with today's endeavour and others that will follow this year.

Rogier Huizenga: Europe is in the lead on good practice in some ways, which is maybe not a surprise. However, Europe is not necessarily in the lead in other ways. A number of Parliaments in western Europe do not have a dedicated human rights committee. Some of them argue that human rights are not an issue in their country—they say straightforwardly that human rights are a concern outside their country's borders, so there is no need to talk about human rights in their country. That means that some other countries and regions are much more advanced in dealing with human rights issues.

I will give one example. Mexico's Parliament has two chambers. The upper chamber—the Senate—and the lower chamber both have a human rights committee. The Senate's committee has been involved from start to finish in several of the universal periodic reviews of Mexico's human rights record by the UN Human Rights Council. That committee's president took the lead on preparing part of the report that was submitted to the Human Rights Council and was part of the official delegation from Mexico that came to Geneva. The President addressed the council to give the Parliament's perspective on the human rights situation in Mexico. After the delegation returned to Mexico, the Senate committee took forward the recommendations by questioning ministers on how they would implement the recommendations.

There are a number of good examples—including examples from outside Europe—of Parliaments that have taken such steps to ensure that they are fully in the picture and in the lead as much as possible in ensuring implementation of human rights.

Oliver Mundell: The Scottish Parliament has a proud record of debating human rights issues; we established this committee and we are actioning many of the points that you identified. My question is similar to others that have been asked. How can Parliament ensure a human rights focus in local delivery of services, many of which are delivered at the municipal level?

Rogier Huizenga: The question is difficult, and it relates to the earlier question about having human rights officers in public bodies. It is important to ensure that all state structures are sensitive to human rights. I do not know whether having in each body a dedicated public officer who is focused on human rights would be the answer. However, some of the recommendations and observations that I started with, which I hoped and understood would somehow be relevant to the committee, are also relevant in different ways for other bodies in Scotland.

Making sure that you reach out as much as possible to communities, establishing clear objectives in a work plan and being as close as possible to citizens are all valid things not just for the committee's work but for other entities in the Scottish context that work on human rights. It is up to them and you to define what that means in practice.

Oliver Mundell: Are there good international examples where that is already taking place?

Rogier Huizenga: I gave the examples of parliamentarians reaching out to citizens by holding public meetings in town halls together with civil society organisations, by going to schools and by carrying out bipartisan visits to regions where there are particular tensions. We have seen Parliaments take on a number of suggestions.

Annie Wells (Glasgow) (Con): Good morning, and thank you for joining us today. My question is about the balance of human rights. How do we, as a Parliament, achieve the correct balance of human rights when there are lots of competing human rights and interests, especially when it comes to new legislation?

Rogier Huizenga: That is a critical question. I return to my observation that it is important to make sure that your work is fully connected to that of the other committees. If everyone thinks that human rights are just this committee's responsibility, it could easily be said that once you have been heard or been involved in a discussion, that is the end of it. It is important for the committee to ensure that people understand that human rights are a responsibility for the whole Parliament, even though you take the lead. It starts with that.

At the end of the day, there is only so much you can do. There is the Human Rights Act 1998, the UK has clear human rights obligations, and you have the procedures and mechanisms in place to make sure that the state as a whole can be held to account, which is the committee's role. The obligations remain regardless of ministers coming and going and of whether they focus more on trade or on other issues. The obligations must always be put up front to ensure that they are in

everyone's minds and that they will not go away, regardless of there being a stronger focus on trade or other issues. Ultimately, it is Parliament's duty to ensure that the obligations are respected.

Alex Cole-Hamilton (Edinburgh Western) (LD): Good morning to our guests by videoconference. I apologise for my late arrival.

Rogier, in your reflections, you talked about our inquiry into making human rights real in the Parliament, and you made several suggestions and observations. That was very helpful. One thing that we have focused on is how we ensure that our focus on human rights in our inquiry continues into the long term. We are all excited about and committed to human rights and to drawing that thread through all the work of this Parliament, but we are all politicians and we have, sadly, limited job security. We may not all be here in the next session of Parliament.

In that vein, thinking about institutional memory, we have been talking about the need, perhaps, to have staff within the Parliament who can be the guarantors of that institutional memory, or legal advisers, even. What are your reflections on that? How important is it to continue that work?

Rogier Huizenga: That is a critical point. We see this in many Parliaments around the world. As you say, parliamentarians come and go.

Parliamentary staff do not necessarily have more job security, but they are likely to stay around for much longer and they will have that institutional memory. It is precisely for that reason that, as an Inter-Parliamentary Union, we work with both parliamentarians—members of Parliaments—and parliamentary staff. It is critical to engage with parliamentary staff, because they are often the institutional memory of the organisation. That also means that they need to have the requisite training to be helpful to the committees that they serve.

It is absolutely critical that you are able to rely on expertise: that you can draw on expert legal advice for your inquiries, and on research facilities to help you to put together questions to ask of relevant authorities and help you to organise your inquiries. Expert legal staff are indispensable. We have been pushing to have them in Parliaments everywhere around the world, and we have been pushing to make research facilities available.

Alex Cole-Hamilton: That is really helpful, and it certainly chimes with the shared view that is emerging across the committee. You raised the idea of a specific human rights committee, and a number of members have touched on that. This committee is not just a human rights committee—it is the Equalities and Human Rights Committee. For example, we spent much of the past year looking at the Gender Representation on Public

Boards (Scotland) Bill, which was addressing not a human rights but an equalities issue. Do we need to disaggregate those two functions, so that we have a specific committee in the Scottish Parliament that is solely focused on the human rights guarantee?

Rogier Huizenga: Ultimately, it is your call to make. We have always been strong advocates of dedicated parliamentary human rights committees. However, in reality, many human rights committees in Parliaments around the world have something else in their remit. We see a variety of situations. You have equalities as well as human rights, whereas others may have national minorities. It depends on the context and, often, the history. As I understand it, your committee started as the Equal Opportunities Committee.

At the end of the day, you will have to draw your own conclusions as to whether you are sufficiently effective in promoting a human rights agenda. If you think that the other issues are taking too much focus away from that and not allowing you to come out with a coherent message on human rights, perhaps it would be useful to separate the two. However, that is on the understanding that a committee that had an exclusively human rights mandate would need to be powerful and effective enough to relay the message internally in Parliament.

Alex Cole-Hamilton: On the issue of where to focus the work of this committee, when we first grappled with the human rights remit when we took it on at the start of this session, we looked with fresh eyes at the fact that there are some 900 points in the concluding observations where the United Kingdom and Scotland are still out of step with or adrift from the obligations of our international human rights treaties. It is quite a daunting exercise to establish where to start and how to eat away at that, one bite at a time. How would you advise this committee, and our successor committees, to approach those outstanding areas of Scottish life where we are still adrift from international treaty obligations, and to manage that as a workable work programme?

Gianni Magazzeni: There are, of course, many contexts in which the number of recommendations is daunting and frightening for those who have to act on their implementation and follow-up. We encourage member states to try to cluster and prioritise the recommendations, especially in the context of their action vis-à-vis the plan of implementation over the next four and a half years—the one that I referred to before, for which we also see an important role for Parliament, other national institutions, civil society organisations and the judiciary.

In a database that we created, we are facilitating the clustering, country by country, of all

recommendations of not only the current cycle of the universal periodic review, but all the other mechanisms, SDG by SDG. That is to facilitate tasks for our developing colleagues worldwide and to see to what extent certain recommendations might advance a certain SDG target and certain implementation that can be considered in that context.

09:45

I flagged that aligning the development and human rights requirements seems to us to be important. The additional step that the High Commissioner has consistently done, starting with the third cycle of the UPR, is to send letters to foreign affairs ministers to indicate which areas deserve particular attention in the next four and a half years. That useful tool can be helpful to not only Governments but other stakeholders, because the communication is available on our website as an open document.

Alex Cole-Hamilton: That is helpful. I have another question—the final one, I promise. Throughout the inquiry, we have discussed the possibility that the incorporation of certain human rights treaties into Scots law might be one of the most effective ways of guaranteeing their observance. If people have access to justice when their rights are infringed, decision makers have to concentrate their minds that little bit further when making public policy to make rights real. In your experience of working with other countries, how effective is it when countries incorporate treaties, particularly the United Nations Convention on the Rights of the Child?

Gianni Magazzeni: When it comes to the United Nations and the office of the High Commissioner, encouraging member states to ratify is the first step that we take. The next important issue when it comes to international human rights treaties is implementation and follow up, in addition to regular reporting to the treaty bodies. I am not sure that I am in a position to say much vis-à-vis internal division of labour, devolution and modus operandi.

The Convener: On how we do things better in the Scottish Parliament, one of the emerging themes from the inquiry has been impact assessments. We all have our own challenges with them, because they are only as good as the way in which they have been done. The emerging theme has been that there should be a human rights impact assessment of each piece of legislation that is introduced here, especially when it comes to looking at incorporation. In Rogier Huizenga's opening remarks, he said that it would be good practice to have such an assessment of any piece of legislation that comes through this Parliament.

The other theme that has emerged in that regard is about opportunities for further incorporation of treaties into legislation, including at the earliest point of policy making. The human rights impact assessment should include the opportunities that are available, too. Do you have any international examples that we could use to inform our work, or thoughts on whether that is a good idea?

Rogier Huizenga: When it comes to reviewing draft legislation to see whether it is compatible with human rights, many Commonwealth Parliaments that have a Westminster system have taken the lead and made sure that a rights-based review of legislation comes before their Parliament. That is the case in not only the UK, but Uganda, Australia, New Zealand and, if I am not mistaken, Kenya. It has become standard practice. I am not saying that it has always been very successful, because, as the convener said, it depends on the assessment and the seriousness with which the minister and ministry involved present the memorandum on compatibility. It also depends on the parliamentary committees to make sure that the memorandum is carefully and critically reviewed.

We do not know of concrete examples of where Parliaments have reviewed the implementation of legislation three, four or five years afterwards to see whether its compatibility with human rights has been respected in reality. We do know, however, of examples in other areas where that has become standard practice. As Parliaments are doing that more and more in other areas, it makes a lot of sense to ensure that, when it comes to human rights, legislation and its implementation are properly and systematically reviewed after a number of years.

The Convener: That is incredibly helpful. Thank you for that. The committee will pursue that idea with vigour.

Mary Fee: I want to ask a brief question of both witnesses. One of the other themes that have come out while we have been taking evidence is that it may be an idea to consider suggesting that every single committee has a human rights rapporteur. Would that be a sensible way forward? Do you have any evidence of that happening in other jurisdictions?

Rogier Huizenga: It is a very interesting idea. Obviously, it would be done on the understanding that the person on the committee is open to and committed to human rights, and has sufficient leverage in the committee to ensure that human rights are taken on. I am not aware that that suggestion is being followed anywhere else, but it could be an interesting way of helping to ensure that human rights are mainstreamed and that your committee's work is conveyed to all other

committees. Again, that is on the understanding that the rapporteur is the ideal person in the committee to take that forward.

The Convener: Rogier Huizenga and Gianni Magazzeni, you have been very patient with us this morning and have given us lots of great information. Do you have any final thoughts for the committee?

Gianni Magazzeni: Thank you for the opportunity. We think that your own experience is way ahead of where we are in other jurisdictions in this context, but I would like to emphasise a point that has been made by Rogier Huizenga, about the importance of strengthening the relationship with the national human rights institutions and ensuring follow-up action. One thing that we have noted is that, in a context where there is a parliamentary human rights committee and a national human rights institution, that partnership can enhance the level of implementation in law and in practice vis-à-vis the recommendations that emerge from the human rights system—from the human rights council, the treaty bodies and the special procedures mandate holder—so we would encourage you to see the possibilities there.

The Convener: Thank you for those kind remarks. Following this session with you, we are having a follow-up session on the work that we did last year on prejudice-based school bullying, so we are very much taking up the role of ensuring that we look at things that have been done previously to see whether there has been any progress. If there has not been any progress we will ask why not, and if there has been progress we will ask how we can use that good practice to push forward the agenda.

On behalf of the committee, I offer you our thanks for participating in this morning's meeting, all the way from Geneva. We hope that this will be a long and mutually beneficial relationship between our committee and the work that you do in Geneva and at the UN. Thank you for your attendance and participation this morning.

Rogier Huizenga: Thank you very much.

Gianni Magazzeni: Thank you.

09:54

Meeting suspended.

10:04

On resuming—

Bullying and Harassment of Children and Young People in Schools

The Convener: Welcome back to the meeting. I welcome the Speaker of the Australian Capital Territory Legislative Assembly, Ms Joy Burch MLA, and the clerk of the Assembly, Tom Duncan, who have been observing the meeting from the public gallery.

Agenda item 2 is a follow-up round-table discussion on the bullying and harassment of children and young people in schools. Last year, we produced a report entitled "It is not Cool to be Cruel: Prejudice-based bullying and harassment of children and young people in schools". We have undertaken work in co-ordination with the Education and Skills Committee and have carried out inquiries into the matter. The Education and Skills Committee has also carried out an inquiry into personal and social education, as those things work together. I understand that that committee is keeping a watching brief on the Scottish Government's review of personal and social education and that the Deputy First Minister wrote to it last month to update it on the review's timetable. That will be of interest in the context of the work that we are doing.

We have around the table representatives of many of the organisations that we have spoken to in our inquiry. I ask people around the table to briefly say who they are.

Bill Ramsay (Educational Institute of Scotland): I am the vice-president of the Educational Institute of Scotland. I have just finished 10 years as the convener of its equality committee.

Fulton MacGregor: I am the MSP for Coatbridge and Chryston.

Carol Young (Coalition for Racial Equality and Rights): I am the senior policy officer for the Coalition for Racial Equality and Rights.

Mary Fee: I am a West Scotland MSP.

Dr Katherine Botterill (Edinburgh Napier University): I am a lecturer in human geography at Edinburgh Napier University.

Dr Daniela Sime (University of Strathclyde): I am a lecturer in education and social justice at the University of Strathclyde.

Annie Wells: I am a Glasgow MSP.

Carolyn Fox McKay (Girlguiding Scotland): I am a communications manager at Girlguiding Scotland.

Oliver Mundell: I am the member of the Scottish Parliament for Dumfriesshire.

Iain Smith (Inclusion Scotland): I am the policy and public affairs officer at Inclusion Scotland, which is the national disabled people's organisation.

Cara Spence (LGBT Youth Scotland): I am the senior programmes and influencing manager at LGBT Youth Scotland.

Katie Ferguson (respectme): I am the service director at respectme, which is Scotland's national anti-bullying service.

Gail Ross: I am the member of the Scottish Parliament for Caithness, Sutherland and Ross.

Mary Berrill (Education Scotland): Good morning. I am Her Majesty's inspector of education and the senior education officer for inclusion and equalities at Education Scotland.

Alex Cole-Hamilton: Hello, everyone. I am the Lib Dem MSP for Edinburgh Western and the deputy convener of the committee.

The Convener: I am the convener of the committee.

I thank all of you who have come back to see us; it is good to see you again. I welcome Katherine Botterill and Daniela Sime, as it is their first time at the committee. They have looked at prejudice-based bullying of minorities and other issues that are of interest to the committee.

We will immediately go to opening questions, as our time is limited and I want to get the best out of everyone. Many of you have taken part in a round-table discussion before. If you catch my eye, I will put you on the list and call you to speak. If you have a supplementary question, you can make a wee sign to say that you want in on the back of the question. If you let me know that you want to speak, we can make the conversation as free flowing as possible.

Gail Ross: What improvements have you seen in your particular sectors on the back of the committee's anti-bullying report, which fed into the Scottish Government's anti-bullying strategy?

Katie Ferguson: One of the main advances so far has been made in the national policy context. Since the launch of the inquiry report, "Respect for All: The National Approach to Anti-bullying for Scotland's Children and Young People" has been published. It has a strong commitment to addressing prejudice-based bullying and a clear expectation that that commitment will be translated into practice for children and young people

through school and community organisation policies. Since then, the recording and monitoring supplementary guidance has been published, which also contains clear guidance that we need to ensure better recording of prejudice-based incidents.

There has been a real strengthening of the national policy framework; the issue is in translating that into practice for children and young people.

Iain Smith: It is a bit early to make any judgment on what changes have been made, because we have just received the national guidance. We will wait to see how that plays into the local education authorities' guidance and school guidance, and how that develops.

I agree with what has just been said about the emphasis on prejudice-based bullying in the guidance, which is very helpful. Again, we will have to see how that develops.

We have seen good practice in schools in areas such as lesbian, gay, bisexual and transgender issues, but I am not sure about other areas of prejudice—for example, disability, which is the area of particular concern to Inclusion Scotland. It would be interesting to know how the inspectorate and others will examine that. How will they judge what success means?

I think that the improved recording and monitoring will come in later this year. If we see an increase in the recording of prejudice-based bullying, will that be considered a success or a failure? The hate crime statistics that came out this week show that there has been a significant increase in the number of recorded incidents of hate crime against disabled people, but does that mean that there is more hate crime against disabled people or just that more incidents are being reported and dealt with? We must not put disincentives into the system whereby recording more incidents makes it look as though the situation is getting worse, when, in fact, we might just be picking up and starting to address a problem that has been there all along.

I apologise to Cara Spence for spilling water all over her papers.

The Convener: Is that a watershed moment for you?

Mary Fee: I want to follow up on Iain Smith's and Katie Ferguson's points about recording. We made it very clear in our report that there should be mandatory recording of all incidents of bullying. When we took evidence, teachers told us how they monitored and recorded incidents, and there was significant unease about recording incidents because of what teachers thought would be the knock-on impact on how their school would be

regarded. We made it absolutely clear that every single incident should be recorded to ensure that the proper steps are taken.

Both of you have used phrases such as “better recording” and “improved recording”. Will you clarify what you mean by that? Does the improved and updated guidance say that you should record more or that every single incident should be recorded? We have made it clear that every single incident must be recorded.

Iain Smith: My understanding of the guidance is that every single incident should be recorded, but I do not know how that will play out in schools. There may be a tendency to deal with an incident and not record it. That probably happens in most classrooms on most days. Small things happen that are dealt with and not recorded.

One of the big concerns that we expressed in our evidence to the original inquiry was that prejudiced-based bullying against disabled people is not being recorded and picked up. We would like that sort of thing to be picked up so that we can see whether there is a pattern of that happening in particular schools or across schools. That can then be addressed as systemic behaviour rather than as individual incidents.

The Convener: Katie Ferguson wanted to come back in. I know about the work that she has been doing in schools in the past year.

Katie Ferguson: We are not seeing enough reporting, and the consistency of reporting is not good enough. There was a real consensus that the status quo is not good enough and needs to change. The guidance will go some way to addressing those issues, which is why it has been really valuable. It is clear that we need to report and investigate all bullying incidents. The guidance will also help us to improve consistency, which touches on what Iain Smith said about what we are recording. We need to record whether prejudiced attitudes or views have played a role, and we need to record the nature of those views.

Mary Fee touched on the need for a culture shift, which is a hugely important part of this. A lot of softer work needs to happen alongside the guidance—for example, training and discussions with schools and teachers about how to implement the guidance and create a consistent approach.

We must also recognise the need for a culture shift among children and young people. If they come forward and talk about bullying incidents that are affecting them, we can set about addressing those issues. Young people need to feel safe in disclosing when bullying is happening, although we recognise that professionals will often notice issues and address them proactively. It is important to acknowledge that the data collection that will happen will inform preventative strategies

on bullying and prejudice-based bullying as well as enabling incidents to be responded to reactively.

10:15

The Convener: I will bring in Carol Young and Cara Spence, after which we will return to Mary Fee’s substantive question.

Carol Young: CRER was involved in the working group that helped to develop the new guidance on the recording and monitoring of bullying, and we definitely welcomed the opportunity to input into that. The result of that process is a much more concise and straightforward monitoring form, although there are still issues that need to be addressed. For example, there is no way for people to record racist incidents that are not bullying in that system, and we are concerned that the recording of such incidents might end up getting lost from practice entirely. That has still to be tackled.

Overall, we are pretty disappointed that the committee’s recommendation that there should be mandatory recording was not taken up by the Scottish Government. Over the years, the Scottish Government has provided fairly consistent advice on the need for recording, and respectme has done loads of good work to convince education authorities and schools of the importance of recording. However, thus far, those efforts have been unsuccessful. We are about to launch some research that we did to provide a baseline before the launch of the respect for all approach. We looked at the statistics that we managed to get through freedom of information requests on the levels of racist incidents and prejudice-based bullying incidents in schools in Scotland. To be frank, that information is not worth the paper that it is written on, as it is at a very low level.

If the new guidance is successful, we would expect there to be a dramatic rise in incident recording. That would be reflective of better practice and would enable schools to be aware of what is going on so that they can deal with it appropriately, which makes sense. For us, the recording of a greater number of incidents would be a good thing. However, further down the line, we would like the approach to recording to be robustly evaluated by the Scottish Government. If it is found that voluntary approaches are still not working, there should be a move towards mandatory recording of bullying.

Cara Spence: I agree with Katie Ferguson: the changes in the policy context are the main thing that we can comment on at the moment. We were pleased by the launch of the national approach and felt that it was good that it dealt robustly with prejudice-based bullying. It was also good that the needs of lesbian, gay, bisexual and transgender

young people were taken into account. We worked closely with the Scottish Government on that.

However, we also felt that more detailed practical advice was needed for teachers on how to respond to incidents, so we produced guidance alongside the national approach to anti-bullying, which was supported by the learning directorate. That guidance was distributed to every school in Scotland, and we have started to see the impact of that play out in school policies. Through our LGBT charter work and our work with schools, we review schools' policies, and I am starting to see a trickle-down effect from the national approach and our guidance. I would say that there has certainly been an impact, but, at this stage, it is difficult to comment on what the effect has been on the whole-school environment and culture.

When it comes to monitoring and recording, the system will always be slightly flawed unless the information comes directly from children and young people. Teachers will be the conduit for the recording of that information, and there will be fears about that. In the meantime, it is important that we get the messages right for teachers and schools and that we let them know that the recording of a high number of incidents is actually a good thing. I imagine that, initially, numbers will be low. It will take time for us to encourage teachers and schools to report incidents. Moving forward, I advocate the finding of anonymous ways for young people to report incidents, because not all young people have strong relationships with their teachers or feel able to come forward. If young people could report incidents electronically or as they occur, much more accurate statistics would be obtained.

Carolyn Fox McKay: I echo what Cara Spence has just said. The evidence that we heard from young people at the previous committee meeting was incredibly powerful. A lot of it focused on their ability to speak up about incidents and the fact that they did not feel that teachers understood what they meant and whether an incident was bullying. Without robust training to ensure that teachers are aware of what counts and what does not, no amount of recording will make any difference. I do not think that we have seen that yet, and the young people that we brought forward said that they need to feel that they are being listened to about those incidents at the time.

Dr Sime: I was not at the previous meeting, so perhaps this is a good moment to bring in some new evidence. We carried out research with more than 1,000 young people who were born in central and eastern Europe but came to Scotland and the rest of the rest of the United Kingdom. The survey showed that 77 per cent of them have experienced racism and xenophobic attacks, and the vast majority of those incidents happened at school.

Of the 1,100 young people who completed the survey, 565 described incidents of racism, xenophobia and bullying that happened predominantly in schools. The incidents ranged from verbal attacks—such as being called a terrorist or an illegal, being told that they arrived on a boat, being called a prostitute and being mocked for their accent, the way they look or the way they speak—to very serious physical attacks on them, their property and their families.

Echoing points that were made earlier, 20 per cent of respondents said that they did not and do not report because those incidents happen every day and such behaviour is normalised. Teachers hear these incidents, and sometimes they were also accused of being perpetrators of some of the attacks. Half of the respondents said that they had seen an increase in racism and xenophobia since Brexit, and that extended to other groups. However, for this particular group, the number of incidents has gone up since the Brexit referendum.

The issue of teachers not being able to manage or deal with such incidents was raised by several of the respondents, and quite a lot of them said that they were not taken seriously because they are white—97 per cent of them identified as being white and said that they were not taken seriously. The issue of teachers not being prepared for, or knowledgeable in dealing with, incidents was also mentioned by many respondents.

We were quite interested to see whether Scotland is different from the rest of the UK, but we had no statistically significant data to suggest that there is a difference. The fact that we are talking about these issues is encouraging, but there is definitely a gap in teacher training as well as in policy and practice at the school level.

The Convener: Katherine Botterill has also done some complementary work and up-to-date research on this.

Dr Botterill: It is not that up to date, so I cannot comment on the progress that has been made. My research is a qualitative study throughout Scotland involving young people from different ethnic and religious minority backgrounds. We engaged with 382 young people across urban, suburban and rural Scotland in around 2014-15, and some of the themes that we found very much resonate with what I am hearing from some people around the table—in particular, they back up what Daniela Sime said about the perception of prejudice-based bullying. It can be difficult for young people and teachers to identify it. In the research, we found cases of people talking about racism as just banter. Whether that is recognised as an issue by the young people themselves and how it plays out in relationships are complex matters.

The other point that I want to make is about misrecognition of young central and eastern European people. People are often misrecognised as being of a different nationality or as being from a religious minority. Also, lots of young Sikh, Hindu and south Asian young people talk about being misrecognised as Muslim and experiencing Islamophobia. There is quite a lot of complexity in the perception of that. It is still religious bullying but, because the victims are misrecognised, there is a lot of complexity around it. It should be included in the training and continuing professional development materials on how we might perceive racist and religious bullying.

The report said that the protected characteristics will be covered in the CPD training, but nationality is not a protected characteristic and, for lots of central and eastern European young people, their nationality and their migrant status is potentially a source of stigmatisation. That additional factor should be talked about in the training on protected characteristics, otherwise we might have people being put into boxes and, if someone does not quite fit into a protected characteristic box, it will not be perceived as bullying.

Carol Young: Provided that the resources covering the protected characteristics are developed properly, they will include nationality, because ethnic or national origin is part of the protected characteristic of race. However, it is true that the vast majority of people working in education will not recognise that, so significant support is needed to make sure that people understand and tackle such issues on the ground.

Dr Sime: I will comment briefly on the impact of such bullying on young people. We asked them how they deal with those incidents and what they do, and there are all sorts of things that young people do in such situations. Sometimes, they give a different nationality because they think that that will protect them—they hide their nationality or ethnic identity. Particular groups who are vulnerable include the Roma migrant groups. Several characteristics—including being migrants, Roma or from a poorer background—can make people more vulnerable, and they will quite often try to hide those characteristics.

Since the Brexit referendum, young people talk about trying to hide their identity in public spaces by not using their home language in school or on public transport because of fears of being attacked. Some of them have suffered such incidents, and that has had a direct impact on their mental health. In the sample, 16 per cent of respondents reported mental ill health, which is a higher rate than the rate among the overall population.

Their attainment is also suffering. Polish young people are doing less well in schools than white

Scottish young people and all the other ethnic minority groups. Schools report higher rates of school abandonment by young people who suffer racism and xenophobia in school, and there are lower rates of service use among them, so there is a spiralling effect on their ability to participate in social activities.

Young people cope with such bullying in schools by trying to blend in as much as possible, because they do not want to stand out, and that is affecting their attainment. There is a direct impact on their attainment as well as on their mental health and wellbeing.

Bill Ramsay: I want to focus on three things. The first is training. Teachers need time to train, and there are challenges there, including what their perceptions are in relation to their professional development. Employers need to signpost that this training is valuable for their professional development. It is about culture—we do not need to unpack the results of employers saying that some types of training are more valuable than others.

The second thing is recording, which was mentioned earlier. At our headteachers network last week, I told some of the headteachers that I was to give evidence this morning. One of them made the same point that Iain Smith made. To cut a long story short, having put a lot of effort into recording incidents, some time later they were on the front page of a tabloid—because they had done their job well. They had done a really good job, but they ended up on the front page of a tabloid, in a pejorative story. That is a huge problem.

That leads us to the third thing, which is the media issue. Daniela Sime makes a fair point about reporting in schools. The problem is that a journalist can pick up on what is being reported and run with another narrative.

Those are the sorts of challenges that we face. Training and how things are filtered by the media are really important. We really welcome the work and the discourse that are going on, because they have to happen. As we have seen in the past week, it is not going to get any better.

10:30

Cara Spence: In February 2018, LGBT Youth Scotland published research based on a sample of almost 700 LGBT young people that showed that 71 per cent of LGBT young people experienced bullying in schools on the ground of being lesbian, gay, bisexual or transgender. There was a significant impact on their mental health and, for the first time, we got really strong evidence that there was an impact on their attainment and their ability to attend school. We found that 20 per cent

of LGBT young people left school as a direct result of homophobic, biphobic and transphobic bullying.

I will not go into lots of detail, because I know that we have looked at a lot of research in the past. There is something about the long-term approach to research and how the Scottish Government might take that forward. I suggest that we ensure that the “Behaviour in Scottish Schools” surveys collect specific information on prejudice-based bullying and that we unpick some aspects of the protected characteristics so that we can dig a little deeper. Individual organisations carrying out research is one thing, but a long-term approach that looks at trends over time would be really useful.

The Convener: We have heard a few points this morning about how we collect data, how it is used in inspections and the impact on attainment, which I am sure is of interest to Mary Berrill, given the work that she does. Our inquiry last year recommended looking at how inspections are done, the data that they collect and the health and wellbeing aspects of the inspection regime. Will you give us an update on what is happening with that, Mary?

Mary Berrill: As has been said, work is being done on the personal and social education thematic inspection. That work is nearing the end of phase 2 and the report is in draft form; it has not yet been quality assured. Fifty-five schools across Scotland, including early years centres and special schools, have been involved. The information that that work will produce will allow fruitful discussions to take place. You should bear in mind the fact that in primary schools the focus is on health and wellbeing, rather than PSE—there have been previous discussions on that. Unfortunately, I cannot share any more information about that work at the moment, but it will be of great interest to the committee going forward.

Since the committee’s work was done and the publication of “Respect for All”, Education Scotland has done a lot of work. Inspections were one of the first aspects mentioned by Iain Smith. We have updated our guidance on safeguarding for inspectors. We said previously that safeguarding is one of the quality indicators that is common to all inspections—we think that that is extremely important. We updated that guidance in December 2017. We have also shared with all inspectors information on respectme, so they are fully equipped when they go out to do inspections. We have heard from many people that consistency of approach is so important.

With your indulgence, I will read out a few sentences from the guidance. It states:

“Wider safeguarding issues such as bullying will also be evaluated. This will involve, for example, looking at the overall number of incidents, trends or patterns over time,

social media-related incidents and effectiveness of approaches. The guidance ‘Respect for All’—

to which there is a hyperlink—

“provides useful information as to how schools should prevent bullying and record and monitor incidents.”

It goes on to talk about information from “Included, Engaged and Involved Part 2”, which was also updated just before Christmas.

There is more text, but that is the guidance that is issued to inspectors, which came out in December 2017, so there is progress.

There are other aspects of the work that we are doing. We are supporting a number of the workstreams in committees. We work closely with most of the people in this room. We called on the different agencies to help us update the information that we have on our national improvement hub, and the information is now fresh and has been updated.

We track all the protected characteristics to ensure that there are no gaps. We know that we need to improve in some areas and we are looking at gathering more information. We want the hub to be a quality destination for teachers that they can access easily. To build on what Katie Ferguson said, what is important is the cultural shift. There is not one single resolution; the resolution will come from all of us working together.

We support the recording and monitoring working group and the LGBTI inclusive education working group. We are involved in many aspects of supporting such work.

Alex Cole-Hamilton: I will pick up on a number of the comments made by Cara Spence and other panellists about homophobic abuse in schools. During our inquiry and through my association—and that of others—with the time for inclusive education campaign, I have been struck by how much we still have to do to address such abuse, not least because a vicious homophobic attack recently took place in a school in my constituency.

Thirty years ago, section 28 of the Local Government Act 1988—or section 2A—was passed to prohibit any discussion of homosexuality in the school environment. Thankfully, the section was repealed 12 years later, but the shadow of that provision looms large over our education establishment. It is true to say that some teachers are still anxious about what they are allowed to talk about in respect of homosexuality, particularly in faith schools. What can we do to foster a better environment for our teachers—one in which they are more confident about talking in schools about homosexuality, bisexuality and transgender issues as a normal part of the human condition, can support young people who are thinking about their identity and

can address the bullying that is still very much at large in our schools?

Cara Spence: Lots can be done. Training is needed to build teachers' confidence. Teachers get a lot of negative feedback, but we need to celebrate success. We need to find ways to showcase the great work that is happening in schools and allow teachers to realise what they can do.

Some teachers will resist doing such work, which is partly a legacy of section 28. We are really strong on the point that we need to find a way to create consistency and say that teachers must do such work. Without that, progress will be slow, because of the legislation in the past.

I am pleased that Mary Berrill talked about the inspection frameworks, which provide one way of creating consistency and telling schools that they must do such work. However, we might want to look at legislation, too. I am aware that we will go through an education reform process with the forthcoming education bill. Has the committee thought about how measures to address prejudice-based bullying could be embedded in that bill? Is this committee connecting with the Education and Skills Committee? If we want this to happen and are taking it seriously, do we need to legislate? We legislated when section 28 was passed—that is all that I am saying.

Oliver Mundell: My question is exactly about whether legislation is required to move things forward. We are a year on from the publication of this committee's report and it is fair to say that progress has been slow. I am not blaming anyone for that, but would legislation focus people's minds on moving issues forward?

The Convener: Does Bill Ramsay want to give a teacher's perspective?

Bill Ramsay: The institute does not have a position on the question that Oliver Mundell asked, but the discussion has shown that actions are needed after the words. Training is needed—to an extent, I am repeating what I have said.

We are seeing a change in culture. As the historical example of section 28 moves further into the past, its effect lessens. A good example is what Tom Devine has said about sectarianism—that it is starting to wither to some extent. I am not trying to say that it is exactly the same, but there is a generational change in the demographic of the profession, and that will have a positive impact.

We do not have a position on the legislation. However, we know that an act is one thing but, at the end of the day, it is resources and training that change culture. A piece of legislation is crucial and words are really important, but it is training and time to train that will change the culture.

The Convener: Does Katie Ferguson want to talk about some of the work that she is doing in schools to address some of those points?

Katie Ferguson: Yes. I also have a quick point on the back of that discussion about legislation. When we consider legislating, it is really important to look at the legislation that we already have in place and how well it is being implemented. We have the Equality Act 2010, the General Teaching Council for Scotland regulations and the United Nations Convention on the Rights of the Child, but how are those policy and legislative frameworks making a difference on the ground for young people? What other levers could we be using to create real change? We could be using the curriculum, inspection and training to create that attitudinal shift as well. It is a complex area and we really need to look at all those issues.

On our work, I can give you an update in terms of local authorities. There is a clear expectation that local authorities will have an anti-bullying policy that is in line with the respect for all approach, and that that is then translated into consistent anti-bullying policies in schools and other community-based organisations that support young people.

It is safe to say that respect for all has certainly placed fresh impetus on this work. We are working with eight local authorities that are carrying out reviews of their anti-bullying policies. I preface this by saying that it is always a fluid area in terms of where authorities are with this work, but 14 authorities have anti-bullying policies that are up to date and in step with the newer shifts in respect for all, and we have identified 10 authorities that need to review their policies and are due to do that. We will be working with them; we have written to them to put forward our offer of support with policy development, training and resources.

Respectme was set up 10 years ago, and we have worked with all 32 local authorities during that period. Our focus is now to make sure that some of the newer shifts in the current respect for all guidance—a focus on prevention, the explicit commitment to tackling prejudice-based bullying and some other nuances and shifts—are fully reflected and embedded in those policies.

That work continues, and we will find it really important to work in partnership with Education Scotland and other organisations round the committee table to see that change and shift around Scotland.

Dr Botterill: I have a quick point that picks up on what Katie said about embedding the approach in the curriculum. I am not an expert in curriculum design, so perhaps this is already taking place, but it seems that embedding in the curriculum ideas around accepting difference is important. In the

report, there was an emphasis on commonality, as in not pitting people against one another, which I really welcome. However, if we do too much of that, we have to be cautious about flattening out difference. People do not have to be scared about talking about different identities, and it does not have to be a problem. There must be a way to do that by embedding such histories—in terms of different identities—around the history of our country, as has been said. For example, decolonising the curriculum might be how you would talk about race. Talking about LGBT histories is really important. Some of the young people we interviewed were sometimes worried or apprehensive about talking about race, because they felt that they would get put in a particular box, so perhaps making space for that is also important.

The Convener: You make a good point. The Government's inclusive education working group has been doing a lot of work on that.

10:45

Iain Smith: Embedding the respect for all approach in the curriculum should not be about levelling out; it should be about celebrating difference. It is a case of developing equalities and human rights-based approaches throughout the curriculum. Some of the best practices in schools in relation to a rights-based approach have been pupil led—I am thinking of the LGBTI-straight alliances in some schools and the peer support groups that address bullying issues.

One of the issues for people who are subjected to prejudice-based bullying is that they might not want to report it to an adult or to anyone else because they do not want their difference to be known. We need to look at ways of providing them with support. Peer support organisations and anonymous reporting are ways of doing that. There is a lot of good practice out there.

We need to be careful that we do not accidentally do perverse things through legislation. Bill Ramsay mentioned that if schools properly record bullying, they will end up with more bullying in their school stats, which might lead to bad newspaper stories. If we legislate to devolve more responsibility to headteachers, they will become more responsible for what happens in their school and they might not want the bullying that takes place to be reported, because that might reflect on them and their school in a negative way in the media. We must make sure that when we make changes to legislation, we do not accidentally do things that have a negative effect. If more responsibility is devolved to the school level, how do we ensure that a consistent approach is taken across all schools at all levels?

The Convener: That is a good point.

Dr Sime: I have two points, the first of which is about the curriculum. We definitely need to engage with the Education and Skills Committee and encourage it to take a look at the curriculum, because it needs to be refreshed. Many young people say that they do not recognise themselves in the curriculum or in the curricular materials. An LGBT young person or a young person who has a disability or who is from a migrant background will not see themselves in the materials that are covered in the curriculum.

Mention has been made of the need to celebrate diversity. Young people have multiple identities that they rely on at different points in their lives. Someone is not just a migrant, disabled or LGBT; they are a whole range of things. They are a certain age, for example. We need to think about how we capture that intersectional dimension of people's lives in the curriculum. We should not just talk about one dimension at a time. How we get teachers to think about that is extremely important.

My second point is about teacher training. As somebody who has been involved in initial teacher training for the past 15 years, I can definitely see a shift in the type of teacher training that we provide. Bullying and harassment now form part of the initial teacher training programmes. We talk a lot more about how new teachers should tackle those issues. However, we have a very limited amount of time with students on the course, so local authorities need to buy into the fact that CPD is necessary. Trainee teachers have 10 weeks at university, after which they go into schools and then come back for 10 weeks. Someone who does a professional graduate diploma in education will finish their training in the space of a year, which is a very short period of time for them to get conversant with issues of equality, children's rights, human rights and so on. We need local authorities to make those issues a priority for CPD training.

Mary Berrill: I certainly agree that the formalised curriculum is very much about a transfer of knowledge and the development of new skills in the classroom setting. High-quality resources are very important for teachers, and teachers always value them. We are working with CRER and BEMIS to look at the resources that are available on race. We want to quality assure what is there and to look at some of the gaps. That is important, because teachers are very busy and they just want to be able to access high-quality resources. It is a way of ensuring that there is a consistent message.

On teaching equality and diversity, the more important context for the curriculum is the ethos, culture and relationships that exist in a school,

because it is very much about feeling valued. Equality and feeling valued certainly co-exist, and they come from the school recognising and valuing all, and having a culture in which success is celebrated. That pulls it all together.

Other important contexts for the curriculum on that type of work are the policies and staff modelling strong positive relationships, and the development of the key adult and the caring role. Teaching equality and diversity for a couple of periods a week is always less important than experiencing it.

Bill Ramsay: The point about the culture in schools is really important. One of the features of going into a school is that we pick up the intangible culture of the place in the first 10 to 15 minutes; I had a discussion about that with Mary Berrill earlier. I am not being very specific here, but the culture is vital. When issues such as those that we are trying to deal with emerge, they jar with that culture and get picked up. When the culture is welcoming and people feel safe, it is noticeable when something unsafe happens. I am sorry that my contribution over the past few seconds has been intangible, but the cultural aspect is really important.

The point about the teacher education institutions is that the picture is mixed. That is the nature of life, but there are some TEs in which the practice is better. Some TEs could learn from others, but I will not name names.

The Convener: Last week, I went with Katie Ferguson to St John Ogilvie high school in my constituency—one of the pupils is in the public gallery today—where respectme launched its new anti-bullying strategy, which it had worked on very closely since hearing of the committee's work last year. When I walked into the school, a pupil-led presentation on the equally safe strategy was going on. As the co-convener of the cross-party group in the Scottish Parliament on men's violence against women and children, I thought that it was really good to hear teenagers lead a session on aspects such as equally safe. I got that feeling the minute that I walked through the door and, if you get that, you can see a culture change. That school realised that it had a problem and it has worked closely with organisations to change it. You are right about the cultural aspect. Where we see that tangible change, we need to be able to bottle it and give it to other schools.

Fulton MacGregor: I will touch quickly on the issue of young people and mental health, which is discussed regularly in the Parliament and in various forums. In particular, I want to talk about people who are at a stage at which they do not need support from child and adolescent mental health services, but they need some support. I want to bring that into the context of bullying. We

have heard today that victims of bullying at school might have mental health issues, as might children who are doing the bullying. There could also be questions around whether people are bullied because of their mental health problem, in line with prejudice-based bullying. What can schools do to identify those issues earlier in the context of bullying, and to offer support to young people who might be experiencing bullying?

The Convener: Mental health was a clear recurring theme in the survey that Cara Spence did. I know that Inclusion Scotland has done work on that, too, but can you give us an answer?

Cara Spence: The majority of the work that we do with LGBT young people is about their mental health and confidence. At the moment, their experience of CAMHS is particularly difficult—that is well known. Waiting lists are often very long and, when they get an appointment, they might not have the best experience. For example, if a transgender young person gets a referral, the service might not have the understanding, confidence and skills to give the young person the correct support, so they often report having a worse experience and they come back to us.

CAMHS is viewed as something that will fix a young person, but a lot of young people are in the middle ground. They do not necessarily need a diagnosis, but they need someone to talk to and to get some support. We need to think about how we can create and resource ways in which young people can talk to somebody about how they feel. That is what makes the difference, and there is a range of ways to do that. I had a conversation with a colleague yesterday about whether putting counsellors in schools was the way to go. That might be a way forward, but if we invest in it we need to do it properly. It would not be about having only one counsellor for an entire school or a geographical area.

We need to think about how children and young people can have someone to talk to from the early years onwards and about how we invest in youth services. A lot of children and young people do not necessarily want to talk to their teachers; they would much rather go to an external service. They do not want those moments when they have to come out of the classroom to go and speak to a counsellor. Going somewhere else is sometimes the best option for them.

Iain Smith: I have heard about examples that include pupil peer-support networks, which can be very helpful, and safe spaces that people can go to when they feel under threat or have low-level concerns about a mental health issue. However, we must be wary of creating places where people are excluded from the rest of the school, rather than included as part of it; we must be careful to do it in a way that is inclusive. I agree that school

counselling services are probably a vital part of providing a solution on mental health, but early access to mental health services such as CAMHS when required is also important.

Katie Ferguson: Part of your question was about children who display bullying behaviour and what is going on for them. It is really important to ask that question. One of the ways in which our national approach in Scotland is quite progressive is that we talk about children who display bullying behaviour and experience that behaviour. We have stepped away from labelling children as bullies, because that suggests that there is something inherent in their identity or character that is leading to the behaviour.

An important approach is to focus on the behaviour and think about it as communicating what is going on for a child or young person, which encourages practitioners to engage with that and help the child or young person to understand what feelings, needs or attitudes are leading to their behaviour and then to address them. That is important in order to change and reduce bullying behaviour, which will have a huge impact on improving mental health outcomes for children and young people.

The Convener: We are talking about what happens in schools, but there are aspects that spill out of schools into other organisations. Girlguiding Scotland gave us some very compelling evidence last year and I know that it is doing on-going work. The citizen girl project, which was highlighted very successfully in Parliament a few weeks ago, is a great example of that. Can you give us some insights into where you have seen any progress?

Carolyn Fox McKay: First, I want to touch very quickly on peer-to-peer support. We see that as especially important in the context of gender-based bullying. A lot of that comes from the fact that girls have a single-gender space to discuss issues, one of which is obviously mental health. Mental health is hugely connected to gender-based bullying; we see it impacting on confidence, the ability to speak out and attainment. We offer peer-to-peer support in a girl guiding context, but it is often not modelled in schools in a single-gender way, which is where we feel that the most can be got out of it.

Moving on to your question about progress, convener, we have heard a lot about reporting and we are happy to see that. Across the whole of society, with #MeToo and other campaigns, we see that sexism is an endemic problem in Scotland and beyond. Until it is tackled at a societal level we will not see that fully filtering down into schools. We have done some research that we will be delighted to share with the committee once it is released, but it echoes the problem that we highlighted last year; in fact, it

sees it getting worse. There is still a lot to do and I am sorry that I did not come with a more positive message, but there has not been a lot of progress in the past year.

The Convener: We need to hear that.

11:00

Dr Sime: I want to make a point about the huge stigma around mental health in schools, despite efforts to address it and to enable teachers to talk about it in schools; the stigma can lead to children being bullied because of their mental ill health, as was mentioned. Mental health is one of a range of issues that teachers may be worried to talk about because they might say the wrong thing or address the issues in the wrong way; other issues include sexual orientation and sexual education in general. Our research showed that teachers also do not want to talk about Brexit and politics because they might say the wrong thing or upset children—the teachers think that those issues are too political.

Those points relate to the need to create a culture in which teachers have support from one another. If they do not know how to address an issue, they could say, “How do I do this, as a newly qualified teacher?” It is about having a culture in which mental health is not stigmatised by schools, pupils and, sometimes, staff. The stigma can be very subtle; teachers can give non-verbal messages by excluding children, who pick up on it and say, “It’s probably because of my mental health issues or behaviour.”

Leadership with regard to culture was not mentioned earlier, but the report mentioned how important it is to have a headteacher who makes those issues a priority. They say, “We’re going to talk about this in an open way,” and teachers find the language to talk about the sensitive issues that young people grapple with.

Mary Berrill: The PSE thematic inspection has just finished and we looked at mental health counselling as well as the more universal entitlements with regard to mental health. From personal experience of inspecting, I know that schools are increasingly aware of and much more focused on mental health. I acknowledge Daniela Sime’s comment that that has come from leadership identifying the issue. Without pre-empting the report, I saw a number of effective interventions, such as resilience training and restorative attachment, which are a new lexicon for a lot of teachers. They are popular, and people use them in classrooms to help children to develop strategies that will be lifelong for them. Children talk about the learning pit, when they fall into a pit and think, “I can’t do it”, and they will then tell you that, “I can do it, I just have to keep going. I’ve got

to climb out of the pit.” That is the emotional intelligence and the language of emotional literacy that children are developing in many schools. The targeted interventions for mental health are much more enduring, and they link to the additional support that is needed and additional support for learning legislation. Those points also apply to mental health counselling, which a number of schools have, and community link workers and family link workers, who all play important roles.

Oliver Mundell: I understand the point about the intangible culture that is felt on walking into a school, and I have more of a comment than a question about Daniela Sime’s point that, for a lot of teachers, setting time in the curriculum for formal sessions makes it easier for people to talk about difficult issues. Those sessions create a space and dedicate time to pupils, so that they feel that they are not overstepping the mark. Pupil-led initiatives are important, but there is also something important in seeing someone who is in a position of relative authority stand up and say that it is okay to feel that way and to talk about those issues in a public place.

Annie Wells: On the back of Fulton MacGregor’s question and the discussions about mental health, we have spoken a lot about teacher training for inclusiveness and all the rest of it. If there are mental health issues, teachers are not always able to identify that or to deal with the issues.

It is important for headteachers to be committed to delivering inclusiveness and supporting their pupils’ mental health. I went into a school in Glasgow that does peer-to-peer work; the pupils who are involved all wear purple hoodies, and the teachers wear purple lanyards. Pupils can speak to those people about anything, but the headteacher had made a point of getting mental health first aid training for her teachers and pupils. If we can see that happening in some schools—Bill Ramsay talked about walking into a school and feeling the culture—why are we still talking about the subject? Why are some schools still not where they should be?

The Convener: That is a good question.

Bill Ramsay: Important conversations in someone’s professional journey as a teacher happen when they sit and talk to colleagues and managers about attainment, and we all get that. One wonders what status is given to a conversation about health and wellbeing. Does a discourse about health and wellbeing have as much professional value as a conversation about attainment?

The language of society at large and its expectations are really important. When people refer to attainment, that is fine, but the health and

wellbeing part of the curriculum for excellence is still to be fully developed, although it has been there for some time. Some sort of professional reward—not necessarily a monetary reward—is needed for leaders who talk about the health and wellbeing of everybody in schools.

Dr Sime: Including teachers.

Bill Ramsay: Exactly. That needs to be unpacked. The four capacities of the curriculum for excellence apply to everybody in a school—from the jannie to the staff and the weans.

Dr Sime: That includes teachers, because higher rates of mental ill health among teachers were recently reported. Teachers have added pressures in coping with their work with fewer resources. We have not mentioned austerity, but it has had an impact on teachers’ workload and on access to mental health support for pupils and staff.

The Convener: That is about having a healthy school.

Cara Spence: What we know works is not necessarily one thing. A whole-school approach must involve policies, teacher training, pupil engagement and leadership—pupil engagement without leadership does not work. I completely agree with Daniela Sime’s point that, realistically, if we want teachers to be able to support young people effectively, we must think about teachers’ wellbeing.

I talk a lot about LGBT young people’s experience of poor mental health and about my expectations of teachers, but I continually meet teachers who are under a lot of pressure, which has come to my attention more recently. To address the issue, we need to think about how we support teachers effectively.

The Convener: That is a holistic approach.

Iain Smith: Inclusion Scotland is concerned that the pressures on education authority budgets and school budgets mean that there is less support for children with additional support needs—their basic needs in the classroom might be supported, but their need to be a full part of a school might not be supported, because of cuts to additional support services.

I appreciate that we are running out of time, but I go back to the culture and the importance of language—of how people talk about issues. We would like more effective equalities and disabilities awareness training in schools, so that people are aware of the right language to use when referring to people with disabilities—for a start, we should refer not to people with disabilities but to disabled people, because they are disabled by barriers in society, which may be physical, emotional or social. It is important for teachers and pupils to

recognise those issues. Another point is that many people are not visibly disabled, but they still have a condition that requires to be taken into account. We would like work to be done with disabled people to develop better disabilities and equalities awareness training in schools.

The Convener: Those are great points.

Mary Fee: I have a brief question for Cara Spence. I am grateful for the written submission that you provided us with. In it, you say that the “Supporting Transgender Young People” guidance document, which you launched in November, was endorsed by the Children and Young People’s Commissioner Scotland and 17 local authorities. Is that the up-to-date figure? If it is, why are the other 15 not signing up to it?

Cara Spence: First, to give the councils their due, we asked them only at the last minute whether they would like to sign up. Because we had existing relationships with 17 local authorities, those ones did so very quickly. Our second stage is in November, when we will do a call-out to the other local authorities. I suspect that more will come forward, but I doubt that all of them will. We are not a statutory body so, unfortunately, we cannot make local authorities do things, but we will try our hardest.

Again, it comes back to the question of consistency. I suspect that some local authorities do lots of work in terms of improving young people’s health and wellbeing, and that others are not as consistent in that regard. We might need to look at that.

Alex Cole-Hamilton: We have been talking a lot, rightly, about victims of bullying in school, but I have been reflecting on bullies themselves, because bullying behaviour can often be a response to trauma—for example, a young person might not know how to process the toxic and powerful emotions around attachment trauma or loss, which might manifest itself in a need to lash out. Does the panel agree that we need to instil within our teaching staff an understanding of trauma so that they can work with perpetrators of bullying from a trauma-informed perspective?

Bill Ramsay: We do not have the time to unpack that. A young person is often struck dumb by trauma, so it takes time and training to identify that that is an issue. People think of trauma as something loud and visible. However, there is an aspect of it that is almost subterranean, deep sea or whatever. That creates real challenges. I am sure that that is what Alex Cole-Hamilton is referring to—the various manifestations of trauma. Again, it comes back to the need to be able to identify and pick up on the signs of trauma, which can be extraordinarily subtle and can be picked up on only by people with sensitivity and training.

Dr Sime: I do not know whether there is enough research on bullies’ behaviour and whether they have been affected by trauma—some have; some have not. The young perpetrators of xenophobic bullying are not always victims of trauma, but can simply be replicating the anti-immigration, hostile-environment language that they hear in the news, and see in the tabloid press and at home—“Immigrants go home” and so on. The group of young people with whom I am working just now are EU nationals who are at risk of becoming illegal, in a sense, if their status is not confirmed. If that happens, that sort of attitude will increase.

We need to think about the issue on a case-by-case basis. In some cases, there might be scope to think about the research on how adverse childhood experiences affect young people in that way, but in other cases, the bullies could come from stable families and communities and simply have some wrong views on people’s status or on issues around disability and sexual preference.

The Convener: Before I bring in Katie Ferguson, I will just say that, before we close the meeting, I will ask you all to suggest something that you would like us to focus on in the work that we do. I say that now to give you a chance to think of something.

11:15

Katie Ferguson: The issue that Alex Cole-Hamilton raises is an important one that we should focus on if we are serious about changing behaviour and reducing bullying behaviour. We need to support children who display bullying behaviour.

I agree that we should deal with the issue on a case-by-case basis and take a strongly child-centred approach that involves consideration of what is going on in the child’s life. There are a number of reasons why the child might display that behaviour, one of which is their thinking that, in the culture that they are in, they need to act that way so that they are not bullied.

There have been a number of advances in our understanding of how adverse childhood experiences, trauma and so on can impact on children. There is absolutely a place for acknowledging and using that information as best we can. From inspections and use of other resources, Education Scotland has shown that addressing bullying behaviour through nurturing approaches, restorative solutions and solutions-oriented approaches can be successful. There is a lot to learn from that.

We also need to remember that such matters are complex: they take a lot of time to deal with, and teachers often feel that they do not have sufficient time to give the quality of support that is

required. We need to think about other types of support in terms of professionals and practitioners who could be used to create a whole-school approach that will result in positive outcomes.

The Convener: We are almost out of time, so I ask everyone to be brief in their responses to this question. If there was only one thing that you would like us to focus on, what would it be?

Bill Ramsay: You should continue doing what you are doing. This sort of discourse is the sort of thing that we do with our equality representatives. Literally, the quality and the range of this discourse is what we try to replicate.

Carol Young: I agree with Bill Ramsay that it would be valuable if the committee could continue to consider the issue, and if you could revisit it after a period to see what progress has been made.

From our written submission, you will see that we are aware of progress in some areas. However, people's reflections around the table today—which tally with our experience—suggest that there is a lot of work to be done to improve the capacity of schools and teachers to take preventative and reactive measures against bullying, and particularly against specific forms of prejudice-based bullying. That has real resource implications that will not be easy to get around. However, it is important to continue to try to understand what the barriers are and to gather good practice and find ways of rolling it out.

At the end of the day, our main concern is the experience of children in schools. Although some great stuff is happening, it is not good enough that that is not the experience of all children.

Dr Botterill: Thank you for inviting me today—this has been my first appearance before a committee and it has been a really positive experience to see how much passion there is for the issues. It seems that there is a lot more work to be done, but what I will take away is that a good way forward involves the ethos of the school and a wider focus—a whole-school approach and an approach that involves communities.

Some of the work that I do involves examining how politics and geopolitics affect people's everyday lives and encounters with others, and it has shown that building healthy relationships from an early age and how people relate and value each other are important. We should not lose sight of the wider political context. As Daniela Sime said, the narrative around migration and otherness affects and validates the language that young people use. We have to be careful about that.

The Convener: I am glad that you enjoyed your first visit to the committee; let us hope that it is not your last.

Dr Sime: I echo Katherine Botterill's comments about being part of this group. I, too, have found it to be an enjoyable experience, so I thank you for that.

There are two issues that I want to raise. One involves young people's voice—we need to do more in that regard. What surprised me in my research is how many young people took time to share their deeply personal experiences. We had not met most of the people face to face, but they took a great deal of time to explain their experiences of racism and xenophobia. We need to find ways of bringing young people into the debates that are going on and into the great work that the committee, the Government and others are doing.

The second issue concerns the need to continue to work with teachers and find better ways of supporting them, because they are doing a lot of good work in difficult circumstances. The vast majority of teachers want to do the best they can for their schools and their children, but perhaps do not have the necessary language or skills. We need to support them in that difficult job, which has become more difficult in recent times.

The Convener: I hope that you will come back to the committee, too.

Carolyn Fox McKay: The first plea that I would make is this: could we please take gender forward and truly embed it in all aspects of policy? Particularly around bullying, gender is often forgotten, but women are 51 per cent of the population and we are still hearing from girls that there are corridors in schools that they are unable to go down, which is completely unacceptable.

My second plea is that this committee and your education colleagues should ensure that young people are really involved in creating policies. Echoing what has been said, there are young people who are shouting out to be listened to and to be part of policy making, particularly around personal, social, health and economic education. They have strong views and they want to tell you what is right. However, I do not think that they are being listened to at the moment.

Iain Smith: There is a strange bit on page 18 of the "Respect for All" guidance. It says:

"Policies that address bullying based on the protected characteristics will, where appropriate, require completion of an Impact Assessment".

I would have thought that all policies can have an impact on equalities and that they should therefore all be subject to an equality impact assessment.

Related to that is the need to get the national policy to trickle down to all schools, and the issue of how we monitor its implementation in schools. The key issue is how the policy actually works in

terms of improving practice in schools and having an impact on prejudice-based bullying.

The Convener: You would be interested in the work that the committee is doing on human rights and Parliament becoming the human rights guarantor. That includes human rights assessments of policies.

Cara Spence: On human rights, I would ask for incorporation of the UNCRC into Scots law. I believe that, if we can get children's rights right, that will make a massive difference in terms of prejudice-based bullying. In the areas in which we have to intervene or advocate on behalf of LGBT young people, it is because their rights have been ignored—for example, their privacy is ignored when they are outed. They are not listened to, but it is important to listen. When I engage with teachers, I ask them whether they have asked the young person what they want to happen. When they do that, they get it right.

Katie Ferguson: I echo all the suggestions that have been made. However, with regard to the work of your committee, I make a plea for you to consider children and young people across all your business. Sometimes, we silo adults' issues and children and young people's issues and we forget that there are huge opportunities for early intervention and learning when we think about wider issues such as sexual harassment, hate crime and human rights. We must ensure that those messages filter down to children and young people.

Mary Berrill: It is commendable that the committee has put a clear focus on such an important issue.

You provide an overview on all the protected characteristics; my plea is that you include poverty among them, although it is not a statutory one. There is nothing in legislation that stops us adding protected characteristics; I think that including poverty would help to close the circle. Partly from listening to Bill Ramsay and hearing about the work that goes on around promoting health and wellbeing in relation to the Scottish attainment challenge, I feel that that might be an interesting bit of work.

The Convener: I thank everyone for their participation this morning. You will be interested to know that we will have the cabinet secretary before us in the autumn, probably, for an update from the Government on progress on the issue. We are engaged in on-going work on this issue. The committee gave a commitment to incorporate reporting mechanisms in the work that we do, so we will track progress regularly in order to learn from what has been done and so that we can secure the change that we all want.

Thank you all for your written and oral evidence. I make my usual plea for witnesses to let us know if it occurs to you that you have forgotten to tell us something. We are keen to hear about any ideas or solutions that you have.

11:25

Meeting continued in private until 11:33.

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