

Education Children & Young People Committee

Scottish Parliament

Draft 18th May 2020

Dear Sirs

**Draft SSI: The Cross-border Placements (Effect of Deprivation of Liberty Orders)
(Scotland) Regulations 2022**

I write on behalf of Children's Health Scotland* to express our deep concerns about the draft legislation for cross border placements laid before the Scottish Parliament in April 2022, and our unequivocal support for the position of the Office of the Commissioner for Children and Young People set out in its submission to the Committee.

While Children's Health Scotland endorses the aim to provide a Scottish legislative framework for cross border placements, we contend that the current draft falls short of the protections afforded by the United Nations Convention on the Rights of the Child and does not go far enough in safeguarding children and young people subject to such placements.

Implementation of the legislation under consideration will not confer the same rights on children from England subject to a cross border placement as those of Scottish children subject to the Scottish equivalent of a Compulsory Supervision Order. This is morally indefensible and may be discriminatory, and hence subject to legal challenge.

Far better, morally, legally and practically, to give Scottish authorities and agencies one set of responsibilities for CYP subject to DOLs / CSOs, irrespective of their UK domicile.

Yours faithfully



Professor Richard Olver

Chair, Children's Health Scotland

*Children's Health Scotland <https://www.childrenshealthscotland.org/> is the only charity in Scotland dedicated to informing, promoting and campaigning on behalf of the needs of all children and young people within our healthcare system.