

Integrated Impact Assessment

The purpose of an Integrated Impact Assessment is to evidence that Aberdeen City Council is meeting its legislative duties by assessing the potential impacts of its policies and decisions on different groups of people and the environment. The legislation considered within this assessment is:

- Section 2 [Equality Act 2010 protected characteristics](#)
- Section 3 [Socio-Economic](#)
- Section 4 [Consumer Duty](#)
- Section 5 [Human Rights](#)
- Section 6 [Children and Young People’s Rights](#)
- Section 7 [Environmental impacts](#)

The term ‘policy’ is used throughout this document and applies to policies, proposals, strategies, provision, criteria, functions, practice, budget savings and activities that includes delivery of our services.

1. About the Policy

1.1 Title
Report informing Committee of new national legislation Children (Care and Justice) Act (Scotland) 2024
1.2 What does this policy seek to achieve?
The Policy seeks to operationalise the provisions of the legislation and to contextualise the national policy intentions. The Act makes provision about the care of children (who are not involved in the criminal justice system) and the treatment of children within the criminal justice system, as well as about the interrelationship between the care system and the criminal justice system. The Act seeks to ensure children are dealt with in child responsive systems which are compliant with UNCRC and in doing so children experience the justice system in ways which are reflective of their rights.
1.3 This is a change at a national level which will influence both strategic activities and how these are realised locally.
1.4 Is this a new or existing policy?
New policy
1.5 Is this report going to a committee?
Yes
1.6 Committee name and date:
Education and Children’s Services 18 Feb 2025
1.7 Report no and / or Budget proposal number and / or Business Case reference number:
F&C/25/011
1.8 Function and cluster:
Children and Family

Impacts

Aberdeen City Council has a legal requirement as a public sector organisation to assess the impact of its work on equality groups and assess against human rights, children’s rights and our socio-economic duty. This is our Public Sector Equality Duty (PSED). The PSED has three key parts:

- Eliminate unlawful discrimination, harassment, victimisation or any other prohibited conduct.
- Advance equality of opportunity.
- Foster good relations by tackling prejudice, promoting understanding.

This following five sections in the Integrated Impact Assessment demonstrate that these considerations that have been made in the policy, that the impact of proposals made is understood and accepted, and what mitigating steps can be taken to reduce any negative impact of the policy.

2: Equality Act 2010 - Protected Characteristics

Aberdeen City Council wants to ensure everyone is treated fairly. This section identifies what impact the policy may have on people with [protected characteristics](#).

2.1 What impact could this policy have on any of the below groups?

Protected Characteristic	Negative			Neutral	Positive
	High	Medium	Low		
Age					X
Disability					X
Gender Reassignment				X	
Marriage and Civil Partnership				X	
Pregnancy and Maternity				X	
Race					X
Religion or Belief				X	
Sex				X	
Sexual Orientation				X	

2.2 In what way will the policy impact people with these protected characteristics?

The policy achieves the following benefits;

- The recognition of all children aged under 18 as children across a range of childcare and criminal justice legislation bringing them in line with the UNCRC.
- Raising the age of referral to the Principal Reporter to age 18 will see far fewer 16- and 17-year-olds going through the criminal justice system. The Lord Advocate retains the discretion to prosecute children in court where it is deemed appropriate however this should see only the most serious offences being dealt with in this way.
- The use of Youth Offender Institutes for children, those under 18, has ceased to be an option from August 2024.
- Where a child’s liberty is deprived through remand or sentence the child will be cared for in secure accommodation.
- Children who require the care and protection of secure accommodation for reason of remand or sentence will be afforded the same protections and rights as any child in secure accommodation and be treated as a looked after child with accompanying aftercare entitlements should they be a “care leaver”.
- The requirement for a child to leave secure accommodation at 18 will, in certain circumstances, cease.

2.3 What considerations have been made in reaching the above assessment?

What internal or external data has been considered? What does this data tell us?

The above is the conclusion of the Scottish Govt who has consulted over a 2 year period in the production of this legislation. Evidence and data has been gathered across a range of research and academic sources in addition to the three year period of testimony gathered as part of the Independent Care Review and its Promise to the care community .

ESYTC (a longitudinal study of 4,000 young people in Edinburgh, examining pathways into and out of crime) found that children involved in offending were “significantly more likely” than their peers to have experienced adversity (including victimisation, family breakdown or extreme poverty) and/or to be engaged in problematic health risk behaviours (including drug and alcohol use, disordered eating and parasuicidal behaviour); have weak bonds to parents and school; have personality functioning issues; be involved in bullying others; and friends involved in offending. (McAra and McVie 2014)

What consultation and engagement has been undertaken with officers and partner organisations?

Over a 2 year period of scrutiny leading to this legislation informing our local policy, there has been the following local activities;

- Children Services Board partnership and Community Planning Board, Staff briefing in person and practice note updates, tracking the progression of this legislation.
- Briefing sessions for Leaders and Managers across the above multi-agency partnership and across Children’s and Justice Social Work
- Presentation to Children Service Board as well as;
- Action planning log initiated and shared with Chief Social Work Officer
- Development of Improvement Charter work based on the intentions of the legislation and which have tested systems readiness
- Direct link and collaboration with Scottish Govt Act Implementation Team member and the Centre for Young People and Children Justice (CYCJ)
- Information gathering of data around 16/17 year olds currently involved in both Children and Adult Justice systems and attempts at forecasting levels of demand by inclusion of data re 16/17 year olds homelessness needs

What consultation and engagement has been undertaken with people who may be impacted by this policy?

At a national level consultation as part of the Independent Care Review with over five thousand of those with lived experience of the care system; consultation with young people in conflict with the law as part of the development of the bill stage of this legislation which was supported by CYCJ.

Locally, the Aberdeen Care experienced Network (ACE) engages with young people with lived experience of children and adult justice systems who are engaged in participation loop activities which support how Corporate Parents and Champions Board entities enact and take action to ensure their rights are upheld by this legislation.

2.4 What mitigations can be put in place?

What can be done to remove or reduce any negative impacts of this policy (if applicable)?

There are no discernible negative impacts other than the absence of clarity around national funding which is needed to enact the changes proposed.

With mitigations in place, what is the new overall rating of the negative impact(s)?

High	
Medium	
Low	
Negative Impact Removed	x

3: Socio-Economic Impacts

Aberdeen City Council has a duty to reduce the inequalities of outcome that can arise from socio-economic disadvantage. This section is used to consider what impact the policy may have on people experiencing

socio-economic disadvantage – and how any inequalities of outcome arising from the policy can be reduced.

Use this guide to understand more on socio-economic inequalities: [The Fairer Scotland Duty: Guidance for Public Bodies \(www.gov.scot\)](http://www.gov.scot)

3.1 What impact could this policy have on people who experience the following aspects of socio-economic disadvantage?

	Negative	Neutral	Positive
Low income – those who have insufficient earnings to meet basic needs, such as food, clothing, housing, or utilities.			x
Low/ no wealth – those who have no savings for unexpected spend or provision for the future.		x	
Material deprivation – those who cannot afford or access goods or services that are considered essential or desirable for a decent quality of life, such as food, clothing, heating, transport, internet, cultural, recreational and social activities.		x	
Area deprivation – those who live in an area with poor living conditions, such as higher levels of crime, pollution, noise, congestion, or lack of infrastructure, amenities, or green spaces.			x
Socio-economic background – social class, parents’ education, employment, income.		x	

3.2 In what way will the policy impact people experiencing socio-economic disadvantage?

Children who are in conflict with the law aged up to 17 ½ years and those whose welfare needs are unmet, can be referred to SCRA; this group generally experience adverse childhood experiences than better off peers; they are more likely to have experienced neglect and abuse. This legislation/policy, will offer a further protection in designing systems which make direct reference to UNCRC children’s rights in how children experience justice system processes on them as children who have harmed others and will afford them additional rights if they are children who have been harmed by others.

3.3 What considerations have been made in reaching the above assessment?

What internal or external data has been considered? What does this data tell us?
<p>The legislation as above has been developed from national data sets and research in relation to child development and neurodevelopment.</p> <p>100 children under the age of 12 referred to the children’s reporter on offence grounds</p> <p>37 children where the offence referral was part of a pattern of behaviour</p> <p>81% of these children had parents who presented risks</p> <p>43% had mental health difficulties</p> <p>70% educational problems</p> <p>30% had been the victims of physical or sexual abuse.</p> <p style="text-align: right;">(Henderson et al, 2016)</p>
What consultation and engagement has been undertaken with officers and partner organisations?
<p>As outlined above, there have been a number of local engagement events and resources, including;</p> <ul style="list-style-type: none"> • Youth Justice Improvement Group (sub group of CSB) has CCJ Act as an agenda item • Sub group of the above has meet to consider the implications and scope impact of new legislation/policy • Audit of data and action plan set against the legislation/policy prepared for CSW • Workshop session with MA partners • Series of written briefings <p>Team meeting presentations to CSW and JSW as well as other key partners lead by Whole System Approach Lead Officer</p>

What consultation and engagement has been undertaken with people who may be impacted by this policy?

This type of consultation has been undertaken at a national level. Locally there have been responses submitted to the Scottish Govt against the core themes linked to this policy.

3.4 What mitigations can be put in place?

What can be done to reduce any negative impacts of this policy (if applicable)?

There are no known negative impacts at a national or local level.

If mitigations are in place, does this remove or reduce the negative impact?

No – negative impact remains

Yes – negative impact reduced

Yes - negative impact removed

4: Consumer Impacts

The Consumer Scotland Act 2020 places a Consumer Duty on the public sector to put consumer interests at the heart of strategic decision-making, emphasising the need for accessible and affordable public services, especially during times of financial pressure. This person-centred approach is intended to result in better quality services and outcomes for the public as consumers of public services across Scotland.

This section of the IIA is used to consider the impact of the policy on consumers of any services that the policy is intended to change.

Use this guide to understand more on the consumer duty: [How to meet the consumer duty: guidance for public authorities](#)

4.1 What impact could this policy have on any of the below consumer groups?

	Negative	Neutral	Positive
Individuals		x	
Small businesses		x	

4.2 In what way will the policy impact people in these consumer groups?

No direct impact on a general level population group of consumers. There will over time be more young people for whom the Local Authority has responsibilities as Care Leavers and that will include providing them with an income and supporting their needs which assists them in mitigating the worst impact of social/income deprivation.

4.3 What mitigations can be put in place?

What can be done to remove or reduce any negative impacts of this policy (if applicable)?

n/a

If mitigations are in place, does this remove or reduce the negative impact?

No – negative impact remains

Yes – negative impact reduced

Yes - negative impact removed

5: Human Rights Impacts

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. The Human Rights Act came into force in the UK in October 2000

The Act sets out our human rights in a series of 'Articles'. Each Article deals with a different right.

Use this guide to understand more about [Human Rights](#).

5.1 What impact could this policy have on Human Rights?

Human Rights Article	Negative	Neutral	Positive
Article 2: Right to life			X
Article 4: Prohibition of slavery and forced labour			X
Article 5: Right to liberty and security			X
Article 6: Right to a fair trial			X
Article 7: No punishment without law			X
Article 8: Right to respect for private and family life, home and correspondence			X
Article 9: Freedom of thought, belief and religion			X
Article 10: Freedom of expression			X
Article 11: Freedom of assembly and association			X
Article 12: Right to marry and start a family		X	
Article 14: Protection from discrimination in respect of these rights and freedoms			X
Article 1 of Protocol 1: Right to peaceful enjoyment of your property		X	
Article 2 of Protocol 1: Right to education			X
Article 3 of Protocol 1: Right to participate in free elections		X	

5.2 In what way will the policy impact Human Rights?

This is new legislation specifically designed to create an equality of opportunity for children by improving their experiences of justice systems and ensuring any consequence of a system is designed with the needs of children in context of UNCRC.

5.3 What mitigations can be put in place?

What can be done to remove or reduce any negative impacts of this policy (if applicable)?

There are no known negative impacts which require local mitigation in policy. The issue of national funding and resource allocation to local authorities is the most significant risk factor in the successful application of the policy into practice.

If mitigations are in place, does this remove or reduce the negative impact?

No – negative impact remains

Yes – negative impact reduced

Yes - negative impact removed

X

6: Children and Young People’s Rights Impacts

The United Nations Convention has 54 articles that cover all aspects of a child’s life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to. It also explains how adults and governments must work together to make sure all children can enjoy all their rights.

Children’s rights apply to every child/young person under the age of 18 and to adults still eligible to receive a “children’s service” (e.g. care leavers aged 18 – 26 years old).

There are 4 articles known as the “General Principles”. They help to interpret the other articles. They are:

1. Non-discrimination (Article 2)
2. Best interest of the child (Article 3)
3. Right to life survival and development (Article 6)
4. Right to be heard (Article 12)

For ease, the articles have been grouped in three categories to support assessments against the Convention, those most directly related to the **PROVISION** of services, those most directly related to the **PROTECTION** of children and young people, and those to encourage their active **PARTICIPATION in decision making**. You can [read the full UN Convention \(pdf\)](#), or [just a summary \(pdf\)](#), to find out more about the rights that are included.

6.1 What impact could this policy have on the rights of Children and Young People?

	Negative	Neutral	Positive
PROVISION			
Article 2: non-discrimination			X
Article 3: best interests of the child provision and protection			X
Article 5: parental guidance and a child's evolving capacities		X	
Article 16: right to privacy			X
Article 17: access to information from the media		X	
Article 18: parental responsibilities and state assistance			X
Article 22: refugee children			X
Article 23: children with a disability			X
Article 24: health and health services			X
Article 26: social security		X	
Article 27: adequate standard of living		X	
Article 28: right to education			X
Article 29: goals of education			X
Article 30: children from minority or indigenous groups		X	
Article 31: leisure, play and culture		X	
Article 39: recovery from trauma and reintegration			X
Article 40: juvenile justice			X
PROTECTION			
Article 6: life, survival and development		X	
Article 7: birth registration, name, nationality, care		X	
Article 8: protection and preservation of identity		X	
Article 9: Separation from parents			X
Article 10: family reunification protection			X
Article 11: abduction and non-return of children			X
Article 15: freedom of association			X

Article 19: protection from violence, abuse and neglect			X
Article 20: children unable to live with their family			X
Article 21: adoption			X
Article 25: review of treatment in care			X
Article 33: drug abuse			X
Article 34: sexual exploitation			X
Article 35: abduction, sale and trafficking			X
Article 36: other forms of exploitation			X
Article 37: inhumane treatment and detention			X
Article 38: war and armed conflicts		X	
Article 32: child labour		X	
PARTICIPATION			
Article 12: respect for the views of the child			X
Article 13: freedom of expression			X
Article 14: freedom of thought, belief and religion			X
Article 42: knowledge of rights			X

6.2 In what way will the policy impact the rights of Children and Young People?

See sections above.

The Act and associated local policy, will ensure that responses to children where their liberty is at risk of being deprived is proportionate, age appropriate and focused on the needs and best interests of the child. The Policy will ensure that practice is aligned with UNCRC intentions and that when children are deprived of their liberty, placements in the Secure Estate are accessed as the option of a Young Offenders Institute for those aged under 18 years is now removed from law.

Children who require the care and protection of secure accommodation for reason of remand or sentence will be afforded the same protections and rights as any child in secure accommodation and be treated as a looked after child with accompanying aftercare entitlements should they be a "care leaver".

6.3 What mitigations can be put in place?

What can be done to remove or reduce any negative impacts of this policy (if applicable)?

None identified locally as required.

If mitigations are in place, does this remove or reduce the negative impact?

No – negative impact remains

Yes – negative impact reduced

Yes - negative impact removed

X

7: Environmental Impacts

Aberdeen City Council has a duty to meet its legal environmental responsibilities by working towards Net Zero emissions, adapting to climate change, and acting in a way it considers most sustainable. We must also fulfil the [biodiversity duty](#) and [sustainable procurement duty](#).

This section in the Integrated Impact Assessment demonstrates that these considerations that have been made in the policy, that the impact of proposals made is understood and accepted, and what mitigating steps can be taken to reduce any negative impact of the policy.

Use this guide to understand more on the legal climate change duty: [Climate change - gov.scot \(www.gov.scot\)](#) and find out more about how Aberdeen is adapting to Climate Change: [Aberdeen Adapts | Aberdeen City Council](#)

7.1 What is the impact of this policy on any of the below climate, environmental and waste considerations?

	Negative	Neutral	Positive
Council or City-wide carbon emissions		X	
Active and sustainable travel		X	
Facilities for local living		X	
Resilience and adaptability to flooding and weather events		X	
Biodiversity improvement and wildlife/habitat connectivity		X	
Water consumption and drainage		X	
Pollution (air, water, noise, light and land contamination)		X	
Impact on resource use and waste		X	
Sustainable procurement of goods and services		X	

7.2 In what way will the policy impact the environment?

There are no known environmental impact implications from the operational delivery of this policy.

7.3 What considerations have been made in reaching the above assessment?

What internal or external data has been considered? What does this data tell us?

This policy is applying legislation into practice which recognises children's rights within legal systems. The business modelling of delivery of supports will continue, with no environmental impact. The policy is about how we apply our legal duties to children in law to which groups and when.

What consultation and engagement has been undertaken with local groups, partner organisations, experts etc? Where required, identify any other environmental assessments that have been completed.

n/a

7.4 What mitigations can be put in place?

What can be done to remove or reduce any negative impacts of this policy (if applicable)?

n/a

If mitigations are in place, does this remove or reduce the negative impact?

No – negative impact remains

Yes – negative impact reduced

Yes - negative impact removed

8: Sign Off

Any further positive or negative impacts on individuals or groups that have been considered?

The successful operationalisation of this policy into practice will hinge on the resources and support structures made available and nationally designed. The intention of the policy could be undermined and fail should levels of funding not meet the requirements of local authorities to design responses which are child centric and replace those which exist within the context of an adult focused criminal justice system.

There are workforce development needs which can partially be designed and delivered within existing local resource.

Does the policy relate to the Council's [Equality Outcomes](#)? If yes, how:

Yes it appears to relate to the general intentions of the outcomes in terms of provision and specifically in terms of how some children need to experience supports in eg Education.

Overall summary of changes made to the policy as a result of impact assessment.

1. By 2026 there will be an incremental change to the design of the Children's Hearing system enabling children to be defined as those up to 18 years who may have been involved in offences or have welfare needs which could be addressed by a ref to SCRA.
2. The intentions of the UNCRC are better reflected in the experiences of children involved in Justice systems and they should experiences systems designed with their needs in mind.
3. There will be a growing number of young people aged 16,17 years involved within the Children's Hearing system.
4. The CSW, JSW and Children Service Board partnership will need to ensure their language and responses are in keeping with the intentions of this policy.

Outline how the impact of policy will be monitored.

Largely by the actions and scrutiny of the Children Services Board via the Youth Justice Improvement and Corporate Parenting Improvement sub groups. This will include data sharing by key partners; commissioning and interventions; outcome setting and monitoring.

If there are any remaining negative impacts after mitigation, what is the justification for why this policy should proceed.

Largely by the actions and scrutiny of the Children Services Board via the Youth Justice Improvement and Corporate Parenting Improvement sub groups. This will include data sharing by key partners; commissioning and interventions; outcome setting and monitoring.

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