

# Child Rights and Wellbeing Impact Assessment (CRWIA) for Justice Partners Escort and Court Custody Scotland Contract (JPECCS)

## Child Rights and Wellbeing Impact Assessment Template

### 1. Brief Summary

**Type of proposal:** Decision of a strategic nature relating to the rights and wellbeing of children

**Name and Purpose of Proposal:** Justice Partners Escort and Court Custody Scotland (JPECCS) Re-tender.

The proposal aims to re-tender and enhance the current Scottish Court Custody and Prisoner Escorting Service (SCCPES) by replacing it with the Justice Partners Escort and Court Custody Scotland (JPECCS). The purpose is to provide an improved, innovative, and rights-based custody and prisoner escort service (“the service”) that meets the needs of all individuals, ensuring their safety, dignity, and welfare during transit and custody. It should be noted that no children under 18 will be subject to prison custody, and as a direct result of undertaking this CRWIA no child will be subject to escorting under the JPECCS contract. The details of this change are outlined in question 6. However, it is recognised that the proposal has the potential to significantly impact the children of parents subject to the service provided under the contract.

The Cabinet Secretary for Justice and Home Affairs has approved the development of a standalone transport and escort service for children under 18 years of age which will be subject to its own CRWIA. This service will not be managed by SPS.

**Start date of proposal’s development:** January 2024

**Start date of CRWIA process:** December 2024

## **2. With reference given to the requirements of the UNCRC (Incorporation) (Scotland) Act 2024 ([Annex 1](#)), which aspects of the proposal are relevant to/impact upon children's rights?**

Although children and young people are no longer held within the prison estate and will not be subject to prisoner transport or escorting, the service still has the potential to affect their rights. This is because their friends, family members and carers who may be impacted by the service, play a significant role in a child's life. As such, the impact of the proposal cannot be considered solely in relation to individuals over the age of 18. In line with the UNCRC (Incorporation) (Scotland) Act 2024, the proposal has the potential to affect several key articles that safeguard and promote children's rights within justice settings. Specifically:

- **Article 3 (Best interests of the child):** The proposal ensures that all decisions relating to the parents of children (in relation to appointments or court appearances that may impact a child directly or indirectly) prioritise the child's best interests, with a focus on their safety, welfare, and dignity. The changes to escorting and transport arrangements within JPECCS, reflect this commitment by including improved provision for on time arrival at court and a major reduction of missed appointments, measured by Key Performance Indicators (KPIs).
- **Article 37 (Cruel, inhuman or degrading treatment or punishment):** Following the commencement of section 18 of the Children's Care and Justice Act 2024 no child under the age of 18 will be placed in prison custody. This provides a focus for this impact assessment to, as a minimum explore the potential impact of subjecting children to an adult focused service.
- **Article 40 (Juvenile justice):** The proposal supports the provision of justice processes that recognise the age and special circumstances of children, as the service will be for transport and escorting of adult prisoners only. While the operational focus of the service is adult prisoners, the contract promotes the use of trained staff and specifically tailored arrangements for where children are exposed to the custody environment, ensuring compliance with juvenile justice principles.

## **Key Human Rights Act (HRA) Provisions Potentially Impacting Children**

Although the following assessment falls outside the direct scope of the UNCRC, it is important to recognise that children are entitled to human rights under all human rights legislation. The UNCRC builds on these by granting children additional, specific rights that cover all aspects of their lives. Therefore, it is appropriate to

highlight the relevant Human Rights Act 1998 articles that may be impacted by this work.

### 1. Article 3 – Prohibition of Torture

*“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”*

- **Relevance:** Failings in the escort service can cause emotional harm or distress to children, repeatedly missing parental involvement in critical hearings may constitute degrading treatment, especially if it becomes systemic.
- **Example Risk:** A child is left unsupported during a children’s hearing because the parent wasn’t escorted on time or failed to appear.

### 2. Article 5 – Right to Liberty and Security

*“Everyone has the right to liberty and security of person.”*

- **Relevance:** Although primarily relating to the detained person, if delays in transporting imprisoned parents affect the child’s access to timely justice or support processes, it can have direct implications for the child. Over-detaining a parent unnecessarily (e.g., through poor escort scheduling or failure to meet the Next Lawful Day) could impact the child’s life and liberty indirectly.
- **Example Risk:** A parent’s missed attendance leads to the postponement of care decisions or delays in reunification.

### 3. Article 6 – Right to a Fair Trial

*“Everyone is entitled to a fair and public hearing within a reasonable time...”*

- **Relevance:** In proceedings like children’s panel hearings, fair process includes the ability of a parent to be present and contribute. Escort failures that prevent attendance could compromise fairness, which in turn can disadvantage the child.
- **Example Risk:** A child’s care arrangements are determined without parental input due to transport failure, potentially affecting outcomes for the child.

### 4. Article 8 – Right to Respect for Private and Family Life

*“Everyone has the right to respect for his private and family life, their home and their correspondence.”*

- **Relevance:** Children have a right to maintain family relationships, including contact with a parent in prison. Failures in transport that disrupt consistent communication or involvement in key life events can infringe this right.
- **Example Risk:** Missed medical or social work appointments where the parent's contribution is vital to the child's wellbeing and family life.

## 5. Protocol 1, Article 2 – Right to Education

*“No person shall be denied the right to education.”*

- **Relevance:** This may be engaged if the child's access to education is affected by disruptions or instability caused by repeated failures in escorting their parent (e.g., being moved into care or support systems due to unresolved parental absence).
- **Example Risk:** A child's emotional distress or social work involvement increases due to lack of parental input, affecting school attendance or performance.

## Cross-Cutting Obligations under the HRA

### 6. Positive Obligations

The state (and its contracted providers) must not only refrain from violating rights, but in some cases, take proactive steps to ensure rights are realised. That includes ensuring:

- Parents can participate in legal processes affecting their children.
- Children receive emotional and psychological support through maintained family links.

### 7. Duties on Public Authorities (including Contractors)

- Under **Section 6** of the HRA, it is unlawful for public authorities including those performing public functions (such as a private escort service contractor) to act incompatibly with the Convention rights.

## Conclusion

The **JPECCS contract** must ensure operational policies and service level agreements that support:

- **On-time attendance by prisoners** at children's hearings appointments and other authorised events that may impact children such as funerals,

Exceptional Escorted Days Absence (EEDA) and Special Escorted Leave (SEL).

- **Supporting consistent contact and involvement** that upholds the child's emotional development and legal rights.

These provisions demonstrate a robust alignment with the principles and obligations of the UNCRC, ensuring comprehensive protection and respect for the rights of children involved in justice-related transportation and custody situations. This initial assessment in Question 2 enables us to consider the specific rights identified as relevant and to further our understanding through further evidence gathering.

### **3. Please provide a summary of the evidence gathered which will be used to inform your decision-making and the content of the proposal**

#### **Evidence from:**

The SCCPES combined escort model, did not differentiate between adult and child escort provision, This led to a number of disadvantages, including a lack of specific support for children and how their needs were met without being exposed to the adult specific nature of the services, and inconsistent safeguarding practices, Evidence from stakeholder's and previous inspections highlighted these issues, which have influenced the current decision to establish a specific adult focused service and separate child centred arrangements.

**Existing research/reports/policy:** Analysis of current SCCPES performance data, national youth justice policies, and complaints analysis of young people's and adult experiences in custody and secure prisoner transport.

His Majesties Inspector of Prisons Scotland (HMIPS) "Planned Failure" Report: Consideration of the evidence, conclusions and recommendations of the report and the lived experiences of prisoners subject to the services.

Escort Monitors Reports, Thematic Audits and Site Specific Audits: Consideration of the lessons learned and recommendations contained in a comprehensive volume of evidence gathered over the lifecycle of the current contract by the Escort Monitors.

**Consultation/feedback from stakeholders:** Stakeholder consultation included justice partners, advocacy groups, and current providers, highlighting the need for dedicated services addressing the specific needs of children.

**Consultation/feedback directly from children:** Direct consultation was not possible at this stage; however, feedback was sought from youth advocacy organisations representing children's views.

**4. Further to the evidence described at '3' have you identified any 'gaps' in evidence which may prevent determination of impact? If yes, please provide an explanation of how they will be addressed**

Direct input from children experiencing the current service was identified as a gap. Plans are in place to engage children through advocacy groups during implementation.

There is no research or data in relation to how children experienced the escorting of a parent, therefore further research into how children are impacted by the service is required.

**5. Analysis of Evidence**

The evidence gathered from academic research, HMIPS reports, complaints, and service user feedback highlighted the need to improve the way children under the age of 18 are managed and transported to and from court to places of safety. Current arrangements were identified as inadequate due to children being subject to the adult service e.g. cellular vehicles that subject children to kinetic immobility and use of force techniques specific to adult prisoners. Evidence from advocacy groups indicated concerns about children's experiences, particularly regarding their dignity and wellbeing during transit. Stakeholders consistently highlighted the importance of specially trained personnel and dedicated transportation vehicles tailored to children's specific needs. Consequently, the proposal addresses these issues directly, by specifying that children should be subject to arrangements outwith the JPECCS contract thereby ensuring arrangements for escorting children are safe, humane, and rights-based, significantly improving compliance with the UNCRC.

The decision to separate adult and child services results from learning gathered over the previous Generation 3 contract, where a combined adult/child escort service failed to provide child centred outcomes. The combined service had an ambiguous operational focus, that led to failures in consistently upholding children's rights. By moving to a model with distinct adult and child services, the re-tender aims to improve specialisation for children, ensure age appropriate care, and better meet our duty to upholding children's wellbeing and rights.

**Evidence of Indirect Impact on Children:** Canadian research into prisoner transport (Understanding carceral mobilities in and through lived experience) and stakeholder feedback indicate significant indirect impacts on children related to ensuring parents held in prison can attend critical child-related hearings, funerals, Exceptional Escorted Days Absence (EEDA's) and Special Escorted Leave (SEL's). Evidence demonstrates that attendance by parents in custody at such hearings and events positively impacts children's emotional wellbeing, stability, and sense of inclusion. Additionally, evidence indicates that ensuring prisoners' attendance at

medical and social work appointments is essential for maintaining family relationships, reducing stress, anxiety, and providing emotional reassurance to their children as a result of attendance. Recognition of these indirect impacts and proposed improvements significantly align with the child's best interests, safeguarding their emotional and social development.

There is evidence to suggest that there is limited regard for how escorts are conducted in the presence of a child. There are no specific Service Providers Standard Operating Procedures (SOPs) that would guide escorting staff in relation to children being present during the escorting of a parent and what adjustments should be made to limit the impact on the child.

The lack of research and data on how the escorting and court custody of a parent impacts a child points to the potential for unidentified risk of harm or discrimination.

## **6. What changes (if any) have been made to the proposal as a result of this assessment?**

### **Changes Made as a Result of Assessment:**

The evidence indicated a need for clear, limited, and specifically designed transportation arrangements for children to and from court to appropriate places of safety, ensuring adherence to the principles outlined in the UNCRC. Subjecting children to an adult prisoner focused service is sub-optimal and is contradictory to Scottish Government Policy that the Scottish Prison Service does not undertake the care or custody of children. As a result of this CRWIA, transport of children will now be delivered under a distinct and separate contract. While this decision to separate out the contracts was informed by this CRWIA, and the impact of the adult-only contract will be assessed in this CRWIA, the development and implementation of that child-centred contract will be subject to its own CRWIA.

Specific provision on the following areas was made within the JPECCS contract as a result of the assessment: Minimised Exposure of Children to Custody Environments: The Service Provider shall ensure that all services delivered under the JPECCS contract are designed and implemented in a manner which upholds the principles of the UNCRC and limits the exposure of children and young people to potentially distressing or harmful experiences. This includes ensuring discretion during escort operations where children are present, staff training in trauma-informed practice, and minimising disruption to familial relationships in respect to escorting of prisoners. The contract requires introduction of an SOP by the Service Provider that introduces for the first time a child-sensitive protocol that guides escorting Prison Custody Officers (PCO) to consider the impact on children present (planned and unplanned) and making reasonable adjustments to mitigate potential detrimental impacts on the

child’s rights. We are seeking to gain further information on this through direct engagement.

Introduction of a Child Engagement Duty:  
The Service Provider will produce child age appropriate and suitable communication material in relation to parts of the services that a child may interact with e.g. EEDA, SEL’s Children’s Hearings, Hospital Detain visits to ensure the child is informed of the process to ease stress, provide them with information to understand what to expect, and to support their best interests.

Service Provider Staff Training Requirements:  
Mandatory training incorporated within the Initial Training Course (ITC). A training module on child interaction while escorting parents, trauma-informed practice, and safeguarding will be delivered to all Prison Custody Officers (PCO’s).

Measurement using KPIs:  
  
The contract includes the following suite of outcome-focused KPIs, that link directly to the new improvements and to human/children’s rights obligations:

KPI	Measure	Target	Linked Rights
<b>Punctual Arrival Rate at Court and Appointments</b>	% of escorts arriving before scheduled appointment/court time	98%	HRA Art. 6, UNCRC Art. 3
<b>Attendance Rate for Imprisoned Parents at Children's Hearings</b>	% of hearings attended by parent in person or via video	95%	HRA Art. 8, UNCRC Arts. 9, 12
<b>Number of Delays Due to Vehicle Failure or Staff Shortage</b>	Incidents per month	<2/month	HRA Art. 3 (dignity), operational resilience
<b>Resolution Time for Escort Disruptions</b>	Average time taken to resolve missed/late escort risks (e.g. solemn court or child hearing)	<1 hour	HRA Art. 6, UNCRC Art. 3
<b>Availability of Contingency Staffing Pool</b>	% of shifts covered during peak demand via flexible workforce model	100% coverage	Operational delivery, children's



			hearings support
<b>Partner Satisfaction Score – Family Contact/Court Attendance</b>	Feedback from SCTS, Social Work, and Children’s Panel on reliability	>85% positive	HRA Art. 8, UNCRC Art. 3
<b>Use of Video Link as Alternative When Travel Fails</b>	% of missed escorts resolved via video attendance	100% (where tech permits)	UNCRC Art. 12 (voice of child), procedural fairness

These KPIs provide a balanced scorecard designed to monitor the service’s impact on children’s rights and wellbeing, This provides clarity when measuring success criteria for operational efficiency and outcomes aligned with children’s rights and wellbeing.

**7. As a result of the evidence gathered and analysed against all UNCRC requirements, what is the potential overall impact of this proposal on children’s rights?**

**Overall Impact on Children’s Rights:** Positive

**8. If you have identified a positive impact on children’s rights, please describe below how the proposal will protect, respect, and fulfil children’s rights in Scotland.**

**Positive Impact Description:** This JPECCS contract will relate to transport of adult prisoners only, allowing the implementation of a separate contract relating to specific transport options and trained staff for Child Justice Escorting and transport. This approach better respects, and fulfils children’s rights. The JPECCS contract will also allow introduction of new arrangements which inure the protection of children’s rights insofar as affected by transport and escorting of adult prisoners. The specifics are as follows:

- Emotional Stability and Reassurance UNCRC Article 3 (Best Interests of the Child): On-time attendance ensures that decisions affecting the child are made with

active parental input, reinforcing the principle that the child's best interests must be a primary consideration. This is supported by our KPIs in Schedule D of the JPECCS contract, the introduction of Service Level Agreements (SLAs) and the requirement for regular Partner/Service Provider Continuous Improvement reviews in Schedule B.

Key Benefit: Reduced anxiety and uncertainty for children

When imprisoned parents attend critical appointments such as children's panel hearings, medical consultations, or social work meetings on time, it provides predictability and emotional stability for the child. Delays or failures to attend create distress, fear of abandonment, or feelings of rejection.

- Strengthening Family Bonds UNCRC Article 9 (Separation from Parents): Children have the right to maintain contact with both parents if it is in their best interests. Efficient escort arrangements directly support this right by facilitating presence at key events impacting on the child's wellbeing.

Key Benefit: Maintaining meaningful parental involvement

Timely arrival supports consistent and reliable contact between imprisoned parents and their children during important legal, welfare, authorised events, and medical appointments. It helps preserve the parent-child relationship, during prison sentences, which is a critical factor in reducing intergenerational trauma and improving long-term wellbeing.

- Promoting the Child's Right to Participate and Be Heard in matters that affect them, UNCRC Article 12 (Respect for the Views of the Child): Parental presence can encourage children to express their views more freely, knowing they are supported, while also ensuring decisions are made holistically with both the child and parent involved.

Key Benefit: Enabling inclusive decision making

Children's panel hearings and social work assessments are often participative processes. Having a parent present allows the child to feel supported when expressing their views or making decisions about their care and welfare. Minimising disruption to these events by punctual arrival and child aware interaction is a key area of the service.

- Enhancing the Child's Sense of Worth and Respect UNCRC Article 2 (Non-Discrimination): All children have the right to be protected from discrimination, including discrimination on the basis that they have a parent in prison. Providing reliable escort services mitigates the risk of indirect discrimination in the protection of the rights of a child with a parent in prison, for example due to logistical failings.

Key Benefit: Reinforcing that the child is valued and cared for

When a parent attends consistently and on time, it sends a strong message to the child that they are a priority, regardless of the parent's custodial status. It combats stigma and promotes a sense of dignity and inclusion for the child.

- **Safeguarding and Protection from Harm UNCRC Article 19 (Protection from Violence, Abuse and Neglect):** Ensures that protective measures consider parental perspectives, which can be especially relevant when family reunification or continued contact is being evaluated.

**Key Benefit:** Supporting child safeguarding processes

Parental attendance at their own medical or welfare appointments is essential in maintaining health and the ability to continue to participate in family life as a result of good health care. Age specific information materials about what a child can expect in relation to health related matters involving their parents and specifically child attendance at such events will be made available.

- **Legal and Procedural Safeguards for Children UNCRC Articles 9 (Separation from Parents) and 40 (Justice and Deprivation of Liberty):** Article 9 provides protections for the rights of a child separated from one or both parents to maintain contact with their parents. Article 40 ensures that justice processes are fair and uphold the rights and dignity of all parties, including children affected by parental imprisonment.

**Key Benefit:** Alignment with children's rights in justice processes

Efficient escort arrangements that prioritise on-time arrival support procedural fairness and ensure that children involved in legal or child protection proceedings are not disadvantaged by a parent's absence. Children will not be subject to escorting under the JPECCS services.

- **Clarity and Limits in Transportation Arrangements UNCRC Article 3 and 37(c):** The system must ensure that all actions involving children, directly or indirectly, are carried out with dignity, care, and in a manner that prioritises their wellbeing.

**Key Benefit:** Child-friendly, managed processes aligned with rights.

Children will not be transported under the JPECCS services to reduce the risk and potential harm of being subject to adult conditions. Children will be provided with a distinct and separate escort service.

## Summary

The proposal to ensure improved on-time arrivals of parents at appointments involving children is a rights-based improvement. It delivers practical and emotional benefits for children, strengthens family relationships, and upholds Scotland's

obligations under the UNCRC. The Service Provider will be held to clear standards that account for operational efficiency, and the wider social and emotional impact on children affected by JPECCS.

**9. If a negative impact has been identified please describe it below. Is there a risk this could potentially amount to an incompatibility?**

While we do not anticipate any potential negative impacts as a result of the proposal as developed, there is a potential negative impact if it is not implemented. That being, the continued potential for children under 18 to be included in an adult-oriented custody and escorting service. The evidence has identified this as being ineffective to meet their specific rights and needs and therefore negatively impact them.

This new contract will ensure children under 18 will be explicitly excluded from the adult custody and escort service. Dedicated contract arrangements to provide appropriately trained personnel, and transportation designed specifically for children will be procured to mitigate this negative impact fully. Implementation of this is due to occur upon commencement of the new contract.

**Negative Impact:** N/A

**Mitigation Record:**

**Date action to be taken or was taken:**

**Mitigation Record**

What options have been considered to modify the proposal in order to mitigate a negative impact or potential incompatibility?

Please summarise mitigation actions taken below

**Issue or risk identified and relevant UNCRC requirement**

**Action Taken/ To Be Taken:**

**Date action to be taken or was taken**

Insert response here

**10. As a result of the evidence gathered and analysed against all wellbeing indicators ([Annex 2](#)), will the proposal contribute to the wellbeing of children and young people in Scotland? (Guidance Section 2.3.2, pages 20-22).**

Safe:	Yes	
Healthy:	Yes	
Achieving:		Not Applicable
Nurtured:		Not Applicable
Active:		Not Applicable
Respected:	Yes,	
Responsible:		Not Applicable
Included:	Yes,	

If yes, please provide an explanation below:

Safe – Exclusion from adult services and practices and traditional cellular vehicles used for adult prisoners thereby limiting children’s exposure to the custody environment. Children involved in the justice system are often already vulnerable or traumatised and ensuring that the impact of absent parental support due to escorting is minimised increases the safety of children indirectly.

Healthy by removing children from the arrangement under the JPECCs contract, which requires development of a separate service for escorting children, their health and wellbeing are managed by professionals trained in areas that relate specifically to children protecting them from environments, delays and parental absence that can be physically and emotionally harmful.

Respected – this is a core principle of children’s rights and ensuring that children are treated with dignity throughout their involvement in the justice system is fundamental. The development of a separate escort service for children reinforces this principle by creating conditions that affirm their humanity, individuality, and worth. Ensuring parents arrive on time at appointments, hearings and other events is an important aspect of this.

Included - Creating KPIs and measuring The Service Providers performance against punctual, comfortable and welfare-centred escorting that indirectly impact on children, ensures they are meaningfully included in a key service that affects their

lives. Inclusion in this context is recognising children as rights-holders whose needs and voices are considered in the design and delivery of justice services.

**11. How will you communicate to children and young people the impact that the proposal will have on their rights?**

Information will be communicated by the Service Provider through youth advocacy groups in accessible, child-friendly formats to explain how the changes directly benefit young people’s rights and wellbeing.

Additionally, the CRWIA will be published on the Scottish Prison Service website so those wishing to access it can do so. In so far as possible the content has been written in an accessible way to ensure those reading it can understand its content and the impact analysis. We will ensure key stakeholders, including those who have assisted in gathering evidence for the CRWIA will be made aware when it is published so they can see how their views have informed the development of the contract.

**Post Assessment Review and sign-off**

**12. Planning for the review of impact on children’s rights and wellbeing**

Guidance: See page 23 in Internal CRWIA and SoC for more information.

- How will the impact of the proposal on children’s rights and wellbeing be monitored?
- When will you review and update the CRWIA if required?

Insert response here

Monitoring the Impact:

The impact of the assessment on children’s rights and wellbeing will be monitored through ongoing stakeholder and Partner engagement, including regular feedback from children and young people where appropriate, The Service Provider, and advocacy groups. Key performance indicators (KPIs) related to children’s outcomes will be embedded within the overall monitoring and evaluation framework.

Review and Update Schedule:

The CRWIA will be reviewed annually, or earlier if significant changes occur in policy, operations, or outcomes for children. A formal review will also take place once a successful bidder has been appointed as part of the mobilisation phase. The CRWIA will be revisited collaboratively with the successful bidder to ensure their understanding and adoption of the key commitments in the assessment. It is the

Justice Partners expectation that these commitments will be integrated into service delivery and monitored as part of the contract management.

In addition, a specific review session will be convened with Families Outside, the national charity supporting families affected by imprisonment, to ensure the voices and experiences of children and families are meaningfully reflected. Their input will support continuous improvement and inform any necessary updates to the CRWIA.

**13. Sign off**

Policy Lead Signature & Date of Sign Off: *Jim McMenamy* 01/07/2025

Deputy Director Signature & Date of Sign Off: *Natalie Beal* 01/07/2025