

CRWIA – Stage 3

<p>CRWIA title: Allowing boarding school pupils to isolate in their boarding school accommodation when travelling from outwith the CTA</p> <p>Date of publication: 31 March 2021</p>	
<p>Executive summary</p>	<p>The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2021 allow boarding school pupils to undertake isolation in their boarding school accommodation.</p> <p>This document builds upon work undertaken to ensure that children’s rights and wellbeing are at the centre of our response to Coronavirus (Covid-19) and the previous Children’s Rights and Wellbeing Impact Assessments (CRWIAs) which have been published, including in relation to the phased re-opening of schools. It sets out our efforts to mitigate the wider harms on children, through decisions that are necessary at this stage to keep our country safe.</p>
<p>Background</p>	<p>The Health Protection (Coronavirus) (International Travel) (Managed Accommodation and Testing) (Scotland) Regulations 2021¹ came into force on 15 February 2021 and made amendments to introduce the policy of managed isolation into the principal Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020². As amended by the above and subsequent regulations, the principal Regulations require a person arriving in Scotland from outside the Common Travel Area, or from elsewhere within the Common Travel Area having within the preceding 10 days departed from or transited through an acute risk country or territory, to be in possession of a managed isolation package (which includes a booking for a place in a quarantine hotel) and to stay in that accommodation for a minimum 10 day period. There is a list of limited exemptions in the Regulations from the requirement to be in possession of a managed isolation package. There is no general exemption for children.</p>
<p>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</p>	<p>The CRWIA considers whether the provisions allowing boarding schools pupils arriving from outwith the common travel area to isolate in their boarding schools accommodation, rather than in a managed isolation hotel, impacts upon the rights and wellbeing of children and young people in Scotland. The Government has considered all of the UNCRC articles and listed the articles which it considers most important in this context.</p>
<p>Children and young people’s views and experiences</p>	<p>There has been no direct engagement with children and young people given the need to act quickly. However, we have met with representatives of the boarding school sector in developing this policy.</p>
<p>Key Findings, including an</p>	<p>It was necessary to make and lay these regulations urgently to ensure that boarding school pupils arriving into Scotland from outwith the common</p>

¹ [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing\) \(Scotland\) Regulations 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

² [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Regulations 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<p>assessment of the impact on children's rights, and how the measure will contribute to children's wellbeing</p>	<p>travel area ahead of the wider re-opening of schools in the summer term are allowed to isolate in their boarding accommodation.</p> <p>The policy will have a positive impact for boarding pupils as it will allow them to isolate in their boarding accommodation supervised and supported by school staff. Stakeholders had expressed safeguarding and wellbeing concerns were these pupils required to isolate in hotels.</p>			
<p>Monitoring and review</p>	<p>The Scottish Government will keep this policy under review and will continue to liaise with stakeholders in the boarding school sector to assess impact</p>			
<p>Regulation</p>	<p>Aims of measure</p>	<p>Likely to impact on . . .</p>	<p>Compliance with UNCRC requirements</p>	<p>Contribution to local duties to safeguard, support and promote child wellbeing</p>
<p>The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2021</p>	<p>To allow boarding school pupils to isolate in their boarding accommodation when travelling from outwith the common travel area</p>	<p>All boarding school pupils travelling from outwith the common travel area to receive education and accommodation at a boarding school in Scotland.</p>	<p>Article 1 Article 1 defines a child as every human below the age of 18 unless under the law applicable to the child majority is attained earlier. This policy covers all boarding school pupils under the age of 18.</p> <p>Article 2 Article 2 requires that States Parties shall respect and ensure the rights set forth in the Convention to each child without discrimination irrespective of the child's or his or her parents or legal guardian's race, national, ethnic or social origin (amongst others).</p> <p>Allowing boarding school pupils to undertake isolation</p>	<p>The following wellbeing indicators are relevant:</p> <p>Safe: the policy allows boarding school pupils to undertake isolation in their boarding school. This will allow them to receive support and assistance from the boarding schools staff.</p> <p>Nurtured: the policy allows boarding school pupils to undertake isolation in their boarding school, This will allow them to receive support and assistance from the boarding schools staff.</p>

			<p>in their boarding school could benefit children who were born or whose parents were born outwith the common travel area and who are returning to Scotland for the purposes of education.</p> <p>Article 3 Article 3 requires that in all actions concerning children the best interests of the child shall be a primary consideration.</p> <p>Allowing boarding school pupils to undertake isolation in their boarding accommodation will be in the child's best interest as they will receive support and assistance from the boarding schools staff.</p> <p>Article 5 Article 5 requires States Parties to respect the responsibilities, rights and duties of parents.</p> <p>Allowing boarding school pupils to undertake isolation in their boarding school could allow parents to exercise their parental responsibilities and rights if a child is isolating in an environment that is within the direct influence of the</p>	
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			<p>parents (i.e. the boarding school).</p> <p>Article 9 Article 9 provides that States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis.</p> <p>Boarding school pupils are, by their nature, separated from their parents for periods of time, however undertaking isolation in their boarding school could allow parents to more readily maintain relations and contact through virtual means.</p> <p>Article 10 Article 10 provides that a child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents.</p> <p>Boarding school pupils are, by their nature, separated from their parents (including where those parents reside in different states) for periods</p>	
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			<p>of time, however undertaking isolation in their boarding school rather than entering managed isolation could allow each parent to more readily maintain relations and contact through virtual means.</p> <p>Article 16 Article 16 provides that no child shall be subjected to arbitrary or unlawful interference with his or her privacy or family home. Allowing boarding school pupils to undertake isolation in their boarding school is in effect allowing the child to remain at their school term-time 'home'.</p> <p>Article 18 Article 18 provides that States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child.</p> <p>Boarding school pupils are, by their nature, separated from their parents for periods of time, however undertaking isolation in their</p>	
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			<p>boarding school rather than entering managed isolation supports the parents' decisions and rights for how their child should receive their education.</p> <p>Article 31 Article 31 states that every child has a right to rest and leisure, to engage in play and recreational activities, and to take part in a range of cultural and artistic activities.</p> <p>Allowing boarding school pupils to undertake isolation in their boarding school may mean that they could access a private garden or balcony for rest and/or leisure. They may also have access to their usual games and activities whilst in isolation.</p> <p>Article 37 Article 37 provides that no child shall be deprived of his or her liberty unlawfully or arbitrarily and every child deprived of their liberty shall be treated with humanity and respect.</p> <p>Allowing boarding school pupils to undertake isolation in their boarding</p>	
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			school may allow them more freedom as they will be able to self-isolate in their school term-time 'home' rather than in a managed isolation facility.	
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CRWIA Declaration

Authorisation

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Date

30 March 2021

Deputy Director or equivalent

Liza McLean
Deputy Director
Learning Directorate

Date

30 March 2021