

## Children’s Rights and Wellbeing Impact Assessment – Stage 3

<p><b>CRWIA title:</b> Allowing international higher education students attending St Andrews University and Stirling University and arriving from or having travelled through within the previous 10 days a red list country to undertake self-isolation in student accommodation.</p> <p><b>Publication date:</b> 25 October 2021</p>	
<p><b>Summary of policy aims and desired outcomes</b></p>	<p>To allow students travelling from out with the CTA to receive education at their institution to be able to isolate in student accommodation prior to undertaking it.</p>
<p><b>Executive summary</b></p>	<p>For the purposes of the requirement to stay in Managed Isolation, the Scottish Ministers have designated accommodation at the University of St Andrews and the University of Stirling from 13 August 2021 for the purposes of a managed self-isolation package.</p> <p>This means that students arriving into Scotland from or having travelled through a red list country in the previous 10 days can isolate in accordance with the International Travel Regulations within the designated student accommodation provided for that purpose.</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. 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><b>Background</b></p>	<p>The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 and the Health Protection (Coronavirus, Public Health information for Passengers Travelling to Scotland) Regulations 2020 came into force on 8 June 2020.</p> <p>The Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 generally came into force on 15 January (with some specified provisions coming into force on 1 February 2021).</p> <p>The above Regulations were due to expire on 20 September 2021 but were instead revoked and replaced by the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 (“the consolidated International Travel Regulations”) on that date. The 2021 Regulations consolidated the provision in the Regulations being replaced.</p> <p>The consolidated International Travel Regulations set out requirements for people arriving into Scotland including:-</p> <p>to provide particular passenger information before or on arrival into Scotland;</p> <ul style="list-style-type: none"> <li>• to possess a notification of a negative coronavirus test;</li> </ul>

	<ul style="list-style-type: none"> <li>• to possess a testing package for the detection of coronavirus before or upon arrival into Scotland and to undertake such tests;</li> <li>• to stay in specified premises (e.g. at home) for a specified period upon arrival into Scotland;</li> <li>• to stay in managed isolation accommodation for a specified period upon arrival into Scotland.</li> </ul> <p>The application of these requirements varies depending on which country outside the Common Travel Area a person has arrived from or travelled through, as well as whether any particular exemption is applicable. It is a criminal offence to fail to comply with the requirements in accordance with the Regulations.</p> <p>The Regulations also impose related requirements on persons (“operators”) operating commercial services for international passengers travelling to Scotland.”</p>			
<p><b>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</b></p>	<p>The CRWIA considers whether the provisions allowing international students arriving from outwith the Common Travel Area to isolate in their student accommodation, rather than in a managed isolation hotel, impacts upon the rights and wellbeing of children and young people in Scotland. The Scottish Government has considered all of the UNCRC articles and listed the articles which it considers most important in this context.</p>			
<p><b>Children and young people’s views and experiences</b></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 higher education sector in developing this policy.</p>			
<p><b>Key Findings, including an assessment of the impact on children’s rights, and how the measure will contribute to children’s wellbeing</b></p>	<p>It was necessary to make and lay these regulations urgently to ensure that international students arriving into Scotland from outwith the common travel area ahead of the start of their courses are allowed to isolate in their student accommodation.</p> <p>The policy will have a positive impact for international students as it will allow them to isolate in their student accommodation supported by their institution. Stakeholders had expressed wellbeing and financial concerns were these students required to isolate in hotels.</p>			
<p><b>Monitoring and review</b></p>				
<p><b>Regulation</b></p>	<p><b>Aims of measure</b></p>	<p><b>Likely to impact on . . .</b></p>	<p><b>Compliance with UNCRC requirements</b></p>	<p><b>Contribution to local duties to safeguard, support and promote child wellbeing</b></p>

<p><b>See Executive Summary Above</b></p>	<p>To allow international students and students returning from education exchange to isolate in student accommodation when travelling from outwith the common travel area from a red list country</p>	<p>International students from outwith the common travel area studying at universities in Scotland.</p>	<p><b>Article 1</b>  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 international students under the age of 18.</p> <p><b>Article 2</b>  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 international students to undertake isolation in student accommodation taking part in the pilot could benefit children who were born or whose parents were born outwith the common travel</p>	<p>The following wellbeing indicators are relevant:</p> <p><b>Safe:</b> the policy allows international students under 18 to undertake isolation in student accommodation. This will allow them to receive support and assistance from university staff.</p> <p><b>Nurtured:</b> the policy allows international students under 18 to undertake isolation in student accommodation. This will allow them to receive support and assistance from university staff.</p>
---	---	---	--	---

			<p>area and who are returning to Scotland for the purposes of education.</p> <p><b>Article 3</b> Article 3 requires that in all actions concerning children the best interests of the child shall be a primary consideration.</p> <p>Allowing international students to undertake isolation in student accommodation will be in the child's best interest as they will receive support and assistance from university staff.</p> <p><b>Article 16</b> Article 16 provides that no child shall be subjected to arbitrary or unlawful interference with his or her privacy or family home. Allowing international students to undertake isolation in student accommodation is in effect allowing the child to remain at their term-time 'home'.</p>	
--	--	--	---	--

			<p><b>Article 18</b> 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>International students under 18 are, by their nature, separated from their parents for periods of time, however undertaking isolation in student accommodation rather than entering managed isolation supports the parents' decisions and rights for how their child should receive their education.</p> <p><b>Article 37</b> 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</p>	
--	--	--	---	--

			<p>humanity and respect.</p> <p>Allowing international students under 18 to undertake isolation in student accommodation may allow them more freedom as they will be able to self-isolate in their term-time 'home' rather than in a managed isolation facility.</p>	
<b>CRWIA Declaration</b>				
<b>Authorisation</b>				
<b>Policy lead</b> Nicolas White, Head of International Higher Education, Higher Education and Science Division, Advanced Learning and Science Directorate		<b>Date</b>  25.10.2021		
<b>Deputy Director or equivalent</b>  Craig Robertson, Deputy Director, Advanced Learning and Science Covid Recovery, Advanced Learning and Science Directorate		<b>Date</b>  25.10.2021		