

UN Committee on the Rights of the Child: COVID-19 Statement – 2 October 2020

On 8 April 2020, the United Nations Committee on the Rights of the Child published a statement that expresses concern about the situation of children globally, particularly those in situations of vulnerability, due to the effects of the COVID-19. Children's rights and wellbeing matter now more than ever, and the Scottish Government are embedding children's rights into our response to COVID-19.

Additionally, on 1 September 2020 we introduced a Bill to incorporate the UN Convention on the Rights of the Child into domestic law. Incorporating the UNCRC will aim to ensure that there is a proactive culture of everyday accountability for children's rights across public services in Scotland.

The statement below provides an update on our approach to the COVID-19 response, particularly in relation to the 11 areas highlighted by the Committee. Our previous statement can be found [here](#).

1. Consider the health, social, educational, economic and recreational impacts of the pandemic on the rights of the child.

We continue to review the impacts of our response to COVID-19 on children's rights and wellbeing, through the preparation of Child Rights and Wellbeing Impact Assessments (CRWIA) for key policies and legislation.

On the 30 July, we published [Coronavirus \(COVID-19\): closure and re-opening of schools - children's rights and wellbeing impact assessment](#). This CRWIA considered the impacts to children's rights and wellbeing as a result of the closure of schools due to COVID-19, the plan to reopen schools full-time from August 2020, and the associated contingency of a blended learning model.

We have also published an [assessment of impacts](#), including on children's rights, on decisions related to the re-opening of childcare settings and the provision of critical childcare. This includes reference to [updated guidance documents](#) for the safe operation of childcare and to the importance of '[Realising the Ambition: Being Me](#)' as the early years national practice guidance for Scotland. Throughout registered childcare services, we see a strong commitment to children's rights being supported and furthered.

Most recently, on 25 September, we published [Stage 3 Children's Rights and Wellbeing Impact Assessment \(CRWIA\)](#). It sets out the consideration which has been given to children's rights and wellbeing for the latest COVID-19 restrictions, announced by the First Minister on 22 September, on social gatherings to enable children and young people to live their lives as normally as possible, to reduce the impact on their health and wider wellbeing.

The Virtual Nature School programme was funded £159,000 in May 2020 to provide support and learning experiences for children and families unable to attend their early learning and childcare settings. During its 16 week period, the work trained over 1000 ELC practitioners and delivered child led outdoor learning sessions to more than 15,000 children across 32 local authority areas.

We are aware that concerns have been raised in relation to recent restrictions on students. There are no legal restrictions which apply solely to students, and measures which restrict social gatherings between households treat students equally with the rest of the population, and are in place for clear public health reasons as part of our response to a global pandemic. Universities Scotland also asked students at the weekend not to socialise outside their own household and to refrain from going to hospitality venues such as bars and restaurants.

On Sunday 27 September, the Scottish Government issued [guidance to students](#) to explain how the current restrictions on social gatherings apply to students living away from home. As part of developing the guidance, we took on board the views of the office of the Children and Young People's Commissioner Scotland.

2. Explore alternative and creative solutions for children to enjoy their rights to rest, leisure, recreation and cultural and artistic activities.

This year we have provided the Family Fund with £2.974 million to deliver grants for families on low incomes raising disabled or seriously ill children and young people for items including tablets/computers and gaming, as well as outdoor play equipment, sensory toys, and furniture.

On 19 August 2020, a successful bid to the Immediate Priorities Fund for additional monies of £260,000 for the Family Fund was announced. These additional funds will enable Family Fund to support 560 more families on low incomes with grants.

We have announced £3 million in youth music and youth arts funding, to be delivered via Creative Scotland. This will provide funding for in-school and out-of-school opportunities in music and other art forms, in particular to increase access for target groups of young people. Creative Scotland announced [more details about the funds](#) on 17 September.

The Access to Childcare Fund, worth £3 million across 2020-22, was launched in July 2020. The fund aims to support projects which use a community-based partnership approach to delivering a range of activities, childcare, food and family support for children, including those from the six priority family types identified in the Tackling Child Poverty Delivery Plan. 15 successful projects are

being funded over the next 19 months and will test a range of approaches to increasing the availability and accessibility of their services and working together to share their learning.

We prioritised the health and wellbeing of children with the return of indoor contact sport for children (aged under 12), which resumed from 31 August, subject to sport specific guidance being in place.

We have launched a £3 million Youth Work Education Recovery Fund which will be administered by YouthLink Scotland. This funding is designed to help partners at a local level work together to offer opportunities for young people to re-engage in learning through youth work.

3. Ensure that online learning does not exacerbate existing inequalities or replace student-teacher interaction.

The Scottish Government is investing £25 million to support digital inclusion amongst school aged-learners. This programme is expected to deliver benefits for up to 70,000 individuals. Beyond funding for provision of devices, every learner and teacher in Scotland has free access to the national online learning environment, Glow, which provides access to a range of tools and services including MS Office 365, Google G-Suite for Education and Wordpress Blogs.

Scottish Government and Education Scotland are also working with local government to ensure that schools across Scotland can access an enhanced range of options for online learning during 2020-21, primarily delivered through Glow. This is known as the National eLearning Partnership. The West Partnership Online School is one example currently in development as part of the new eLearning partnership. Another example is eSgoil, led by Comhairle nan Eilean Siar (CNES) - Western Isles Council. eSgoil has been providing live on-line teaching across the curriculum since it began operating in August 2016. Their further activity is to develop a suite of live, online lessons in both the Broad General Education and the Senior Phase.

More broadly, the first phase of the Connecting Scotland programme, launched in May, committed £5 million to provide devices, an internet connection, training and support for digitally excluded, low income individuals across Scotland clinically at risk to COVID-19. This included older people in the shielding category and those with disabilities and long term conditions.

A second phase was announced in August extending the programme by an additional £15 million to work with low income households with children, and young people leaving care.

The Programme for Government 2020-21, published in September, sets out how we are now committing an additional £23 million to help even more digitally excluded people and households with a digital and data safety net, providing them with a device and extending our previous offer of unlimited data and support and training from one year to two for everyone the programme has helped. This will bring the total number of people we have helped to get confidently online up to 50,000 households by the end of 2021.

During April, YouthLink Scotland reported a 4,000% increase in requests to train youth workers in digital skills. The Scottish Government provided £50,000 to support YouthLink to provide digital training for the youth work sector.

4. Ensure children continue to receive nutritious meals provided through school feeding schemes.

The Scottish Government published its latest guidance on preparing for the start of the new school term on its website on 11 September 2020. Following the return of schools in August 2020, local authorities continue to have a duty to provide free school meals to all children and young people who are eligible for them (including those accessing through an early learning and childcare session), and it is also expected that the universal provision of free school meals to all children in primary 1 to primary 3 should continue. All food and drink served in schools should comply with the standards set out in The Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008.

Should a school, or schools, be closed during term time local authorities should continue the provision of a free school meal or an alternative to all children who are eligible due to their families being in receipt of qualifying benefits, this could include a direct cash payment, voucher, home delivery or collection from a specified hub. Funding and [guidance](#) has been provided to enable this.

5. Maintain the provision of basic services for children including healthcare, water, sanitation and birth registration.

We have confirmed funding of £1.1 billion to address financial pressures arising in response to COVID-19 across the Health & Care sector. This funding will be provided to NHS Boards and Integration Authorities and covers expenditure already incurred and provides the necessary funding for the coming months. This funding ensures the sector will continue to receive the support required to deal with the additional challenges of the pandemic, whilst still delivering the vital health, social care and hospital-based services the public rely on every day. Included within this funding will be elements to support Children and Family services.

6. Define core child protection services as essential and ensure that they remain functioning and available, including home visits when necessary, and provide professional mental health services for children living in lockdown.

Please see the information provide in our [previous update](#).

7. Protect vulnerable children from the exceptional circumstances caused by the pandemic:

- **These include children with disabilities; children living in poverty; children in street situations; migrant, asylum-seeking, refugee and internally displaced children; minority and indigenous children; children with underlying health conditions including HIV/AIDS; children deprived of their liberty or confined in police lock-up facilities, prisons, secure care centres, migrant detention centres or camps; and children living in institutions.**
- **States should respect the right of every child to non-discrimination in its measures to address the COVID-19 pandemic as well as take targeted measures to protect children in vulnerable situations.**

At the end of September the Cabinet Secretary for Social Security and Older People announced the introduction of the Self-Isolation Support Grant. This will be a one-off payment of £500 to people who are asked to self-isolate, are on a low income, and face a loss of income while they are self-isolating. It will be targeted at people in receipt of Universal Credit or legacy benefits, and will be administered by local authorities in Scotland through the existing Scottish Welfare Fund. We expect it to be available from 12 October.

The Scottish Government has provided £275,000 immediate priorities funding from the Wellbeing Fund for third sector organisations supporting people seeking asylum and people who have No Recourse to Public Funds in Glasgow and Edinburgh. This funding is focused on provision of essentials, like food and digital access, as well as advocacy and outreach support. On 20 April, COSLA published a new framework for supporting vulnerable people with No Recourse to Public Funds, which provides specific legal and practical considerations for local authorities and local partners during the COVID-19 pandemic. The new framework builds on guidance published by COSLA and the Scottish Government in 2019.

The Scottish Government have committed over £350 million of investment to support communities impacted by the pandemic. This includes investing over £120 million to tackle food insecurity, including making £12.6 million available to local authorities to provide Free School Meal provision over the summer holidays for around 175,000 children and young people, and awarding over £80

million to third sector and community organisations to support individuals and communities. Investment to date is highlighted in recent [correspondence](#) from the Communities Secretary to the Scottish Parliament Local Government and Communities Committee.

Our central mission remains to deliver excellence and equity across Scottish education, with an immediate emphasis on supporting the health and wellbeing of children and young people. We recognise that disruption caused by the pandemic are impacting children from disadvantaged backgrounds particularly severely. We have encouraged local authorities and schools to target support where it is most needed, giving them flexibility to redirect Attainment Scotland Funding to help mitigate the impacts of school closures on our most disadvantaged families, and to make adjustments to existing plans to be delivered as schools returned.

For the first time, Pupil Equity Fund allocations of over £250 million were confirmed for two years (2020-21 and 2021-22) benefitting 97% of schools and giving headteachers assistance in their planning and decision making. As well as taking total investment in the Scottish Attainment Challenge to over £750 million over the last five years, this also extends the programme for a further year beyond this Parliamentary term and provides invaluable long-term commitment.

In July 2020 we announced £80 million of additional investment in education staff, sufficient for the recruitment of around 1,400 additional teachers and 200 support staff this year. It is anticipated that these additional teachers will intensify support for individuals or groups of pupils who have significant gaps in their progress as a result of lockdown, supporting young people who are shielding, supporting small groups of learners who need more intense support and covering classes for teachers who are shielding.

A longer term strategy will be required to help address the impact the pandemic has had on some of the most vulnerable children and families. The implementation of an Equity Audit will deepen our understanding of the impact of on children from disadvantaged backgrounds, and set clear areas of focus for accelerating recovery. We will work with our partners, including our International Council of Education Advisors, to design the best approach to accelerating progress with closing the poverty-related attainment gap, through the next phase of the Scottish Attainment Challenge.

On 20 April the Scottish Government published comprehensive guidance to help support continuity for children and young people's learning for the term ahead. This guidance is for pupils, parents and teachers and was prepared by the Scottish Government and Education Scotland with helpful advice and input from COSLA, SOLACE, ADES and professional associations. It gives an overview of the measures in place and steps being taken, at a national and local level, to support children and young people, including those with additional support needs.

There is a wealth of Information on the Scottish Government website on the continued provision of care and support for children and young people with complex additional support needs. Education Scotland has developed a [a range of materials to support transition at each age and stage](#) including for learners with additional needs. Advice for parents and carers to enable them to support children and young people with additional support needs when learning at home has been published on the [Parent Club's coronavirus hub](#). The [schools re-opening guidance](#) published on 25 August set out particular considerations in responding to children and young people with additional support needs.

The [National Autism Implementation Team](#) (NAIT) commissioned by the Scottish Government has produced a number of documents for parents and teachers and support staff of autistic children to help with the return to school. Autistic learners and their families may need individualised planning for the transitions ahead. The approach taken needs to take account of context and be relevant for school stage and developmental level. All are designed to complement and support existing local Getting it right planning procedures.

The NAIT guidance have been developed in consultation with the autism community including: autistic people, parents of autistic individuals, professionals from health, education and third sector. It is intended to help school staff and partners apply good practice.

The Scottish Government has recently allocated an additional £4.25 million to specialist service which support women and children affected by domestic abuse. This funding is on top of the £1.5 million initially allocated to services in March to assist with their COVID-19 response.

We have also published [research](#) to support our understanding of the impact of COVID-19 restrictions on people, including children, experiencing domestic abuse and other forms of violence against women/girls.

The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2020 were laid in April to support SPS's initial response to the pressures brought by COVID-19 and to ensure the safety and wellbeing of those who live, work and visit prisons and young offenders institutions. The Rule changes are in force until 30 September and will only be used if absolutely necessary. The Cabinet Secretary is in dialogue with HM Chief Inspector of Prisons for Scotland to ensure oversight and robust monitoring of the use of the Rules.

On 31 August, the Prison and Young Offenders Institutions (Coronavirus) (Scotland) Amendment (No 2) Rules 2020 were laid to ensure the prison service can continue to take measures to ensure the health and safety of those who live, work and visit our

prisons and young offenders institutions. The Rules will come into force on 29 September and will remain in place until 31 March 2021. These retain some of the existing Rule changes and consistent with the first set of Rules, will only be used if absolutely necessary. Having reviewed the use of the flexibility afforded by the Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2020, the prison service determined that three of the provisions in the first set of Rules were no longer required, Rule 33A (Provision of clothing to prisoners – Coronavirus), Rule 34A (Personal hygiene – Coronavirus) and 35A (Prisoners food and drink – Coronavirus). The Scottish Human Rights Commission and HM Chief Inspector of Prisons for Scotland were informed of the intention to lay these Rules.

8. Release children in all forms of detention, whenever possible, and provide children who cannot be released with the means to maintain regular contact with their families.

As we have mentioned in previous updates, the SPS has put in place a number of innovative technical solutions to facilitate family contact including providing mobile phones and introducing virtual visits. In-person visits resumed in all prisons on 3 August however local resurgences of the virus has regrettably resulted in a re-suspension in some prisons over recent weeks.

Following Scotland's Routemap announcement on 10 September, the prison service took the difficult but necessary decision to reduce the number of households permitted at in-person visits from two to one households. In-person visits are currently suspended at HMPs Barlinnie, Shotts and Low Moss in light of health protection advice due to restrictions in the Greater Glasgow, Lanarkshire and East Dunbartonshire areas.

These local arrangements will be kept under review and those in SPS custody and their families will be kept updated. All efforts will be made to ensure in-person visit are resumed in establishments as quickly as possible when it is safe to do so.

9. Prevent the arrest or detention of children for violating State guidance and directives relating to COVID-19, and ensure that any child who was arrested or detained is immediately returned to his or her family.

A public version of Police Scotland's [operational guidance](#) for officers and staff has recently been published on Police Scotland's website. [Some details have been redacted from the guidance for operational reasons].

10. Disseminate accurate information about COVID-19 and how to prevent infection in languages and formats that are child-friendly and accessible to all children including children with disabilities, migrant children and children with limited access to the Internet.

Education Scotland have produced resources for children, young people and their families to share accurate information about COVID-19. In addition they share information and resources from other agencies such as third sector and NHS. This is done through newsletters, wakelets, the national improvement hub and social media. Examples can be found [here](#), with some direct help for children on anxiety [here](#).

11. Provide opportunities for children's views to be heard and taken into account in decision-making processes on the pandemic.

The Scottish Youth Parliament, in partnership with Young Scot and YouthLink Scotland, delivered "Lockdown Lowdown", an online survey developed by young people for young people, to help identify what they need from the Scottish Government, the NHS, COSLA, local authorities and others. The reports from the survey have been shared widely with Scottish Government officials and will inform ongoing policy development, and help inform the work of the Children, Young People and Families Advisory Group as it captures the lived experiences of children, young people and families.

The second wave of the survey launched on 28 September, with a further wave to launch in the New Year..

The second wave will also feature focus groups and we are in the process of reviewing topic guides for these. Focus groups for wave 2 are planned to begin mid-October and will run for 5 weeks. The focus groups will hear the lived experience of the pandemic for vulnerable groups, exploring themes and other relevant insights from the surveys along with issues which are particularly pertinent to these groups. The vulnerable groups to be included are:

Early autumn:

- Young Carers
- BME young people
- Disabled young people

Winter:

- Young people with experience of custody and/or the criminal justice system
- Care experienced young people

The Scottish Government are currently working with Young Scot to establish a national 'learner - education recovery panel' of 15 children and young people, ages 9 to 18. Young Scot will support the panel to meet on a monthly basis, feeding directly in to the Scottish Education Recovery Group, which oversees decision making in relation to education policy and direction under the COVID-19 guidance. There would be scope for members of the Highland Children and Young People's Forum to join this panel and have their voices heard as part of this project if this was of interest to the forum and its members.

The Scottish Government have also worked with the Scottish Youth Parliament to identify and support a young person to join the COVID-19 Education Recovery Group and as of next week Josh Kennedy, the current SYP vice chair, will sit on the group to gather, represent and directly feedback the voices and views of children and young people.

The Deputy First Minister is also due to speak directly to young people on future decisions concerning the 2020-21 exam diet and what can be done to ensure that work undertaken this year by learners is fairly accredited. This follows similar conversations the DFM held with learners in September following the downgrading of SQA awards and during the period of school closures during the last school term where DFM listened and acted on the feedback from young people.