



## Implementing and monitoring the UN Convention on the Rights of the Child (UNCRC) in Scotland - Seminar Series 2017

### Seminar Three – the UNCRC in Policy

Monday 24<sup>th</sup> April 2017

Scottish Universities Insight Institute, Collins Building, Glasgow G1 1XQ

- 9.30–10.00am Registration with teas and coffees
- 10.00–10.15am Welcome and context  
**Fiona Jones, Chair of Together**  
*Morning session Chaired by Joe Griffin, Deputy Director for Creating Positive Futures at Scottish Government*
- 10.15–10.30am Overview of policy developments in the Scottish context  
**Juliet Harris, Director of Together**
- 10.30–11.10am Children’s rights in policy developments: national and international experiences with Q+A session  
**Professor Laura Lundy, Queens University Belfast**
- 11.10–11.25am Teas and coffees
- 11.25–12.05pm Embedding CRWIA into national frameworks with Q+A session  
**Lisa Payne, Child Policy and Research Consultant**
- 12.05–12.45pm Experiences in implementing CRWIA with Q+A session  
**Gita Sharkey, Rights and Participation Team, Scottish Government**  
**Pauline McIntyre, Office of the Children & Young People’s Commissioner for Scotland**  
**Graham Robinson, Planning and Architecture Division, Scottish Government**
- 12.45–1.30pm Lunch  
*Afternoon session Chaired by Cllr Stephanie Primrose, COSLA*
- 1.30–2.10pm Policy tools supporting children’s rights: Part 1 and Part 3 of the 2014 Act with Q+A session  
**Dr Susan Elsley, Independent Consultant**
- 2.10–2.50pm Planning for Part 1 and 3 reporting duties of the 2014 Act with Q+A session  
**Gayle Gorman, Director of Education and Children’s Services, Aberdeen City Council**
- 2.50–3.05pm Coffee break
- 3.05–3.30pm Table discussion identifying questions and points for the panel
- 3.30–3.50pm Panel discussion with all speakers
- 3.50–4.00pm Closing remarks  
**Professor Kay Tisdall, CRFR at the University of Edinburgh**

 We will be using the hashtag #CRCSotland for online discussions - everyone is encouraged to Tweet!



# Implementing and monitoring the UN Convention on the Rights of the Child (UNCRC) in Scotland: 2017 SUII Seminar Series

## Briefing 3: The UNCRC in Policy

Monday 24<sup>th</sup> April 2017

Scottish Universities Insight Institute, Collins Building, G1 1XQ

### Overview of the seminar series

This series of four one-day interdisciplinary and cross-sector seminars will seek to improve -- and address gaps -- in the implementation and monitoring of the [UNCRC](#) in Scotland. Each seminar will examine the UNCRC from the perspectives of law, practice, policy and next steps for implementation. The seminar series is being held in partnership between Together (Scottish Alliance for Children's Rights), the Centre for Research on Families and Relationships at the University of Edinburgh, and the Centre for Child Wellbeing and Protection at the University of Stirling. The series has been funded by the [Scottish Universities Insight Institute \(SUII\)](#).

### The dates

The seminars run as follows:

1. The UNCRC in Law: Friday 10<sup>th</sup> February 2017
2. The UNCRC in Practice: Monday 20<sup>th</sup> March 2017
3. **The UNCRC in Policy: Monday 24<sup>th</sup> April 2017**
4. The UNCRC Going Forwards: Thursday 1<sup>st</sup> June 2017

### Context and aims

Since 2008, there have been significant and welcome legislative and policy developments in relation to children's rights. This includes the Children and Young People (Scotland) Act 2014 that places the UNCRC on statute for the first time, albeit falling short of the UN Committee's recommendation of full incorporation into law.

The 2014 Act requires Scottish Ministers to give due consideration to ways in which the UNCRC can be better implemented in Scotland. Whilst this is a welcome step, it does not ensure that the principles and provisions of the UNCRC are directly applicable and justiciable. Instead, Ministers have discretion as to whether they consider it 'appropriate' to further the UNCRC. Reporting duties on public bodies and Ministers under Part 1 of the 2014 Act provide a welcome and useful opportunity to mainstream children's rights into decision-making but fall short of requiring any action to implement the UNCRC.

Further steps can and should be taken to give legal effect to the UNCRC at both UK and devolved levels. In June 2016, [the UN Committee made 150 recommendations](#) outlining how the implementation of the UNCRC across the UK needs to be improved. Together's [2016 State of Children's Rights report](#) collated evidence from over 380 NGOs and professionals working with and for children to outline how the UN recommendations should be taken forward in Scotland. It is clear from this report that children's lived experiences of their rights remains patchy. This seminar series aims to explore how civil society, children and young people, and academia can work with government to ensure the full implementation of children's rights across Scotland.



## Seminar Three – the UNCRC in Policy

The third seminar will use learning from participants to explore how new policy developments – such as those relating to child rights impact assessments and planning in children’s services – can provide opportunities to further children’s rights and their participation in policy developments. The seminar aims to inform new models of UNCRC implementation that support public bodies to meet new obligations under the 2014 Act.

The seminar will be divided into three sessions and each will examine different policy developments regarding children and young people in Scotland. The first session will explore children and young people’s participation in policy developments, the second will explore the experiences and impact of Child Rights and Wellbeing Impact Assessments (CRWIA) through multiple perspectives and the final session will look at the planning and implementation of Part 1 and Part 3 of the 2014 Act.

## Seminar Three - speaker abstracts

### Overview of Policy Development in the Scottish context

Juliet Harris, Director of Together (Scottish Alliance for Children’s Rights)

The Children and Young People (Scotland) Act 2014 placed the UNCRC on statute in Scotland for the first time, placing duties on both Scottish Ministers and public bodies in relation to children’s rights. Since June 2015, government officials have been using child rights and wellbeing impact assessments to help Ministers to take forward their new duties. Measures came into force on 1 April 2017 to ensure that a range of public bodies take account of children’s rights and wellbeing in fulfilling their functions. This presentation will provide a brief overview of the new duties and implementation to date, with the aiming of providing the background and context needed for further discussion throughout the day.

### Children’s Rights in Policy Developments: national and international experiences

Professor Laura Lundy, Professor of Education Law and Children’s Rights at Queens University Belfast and Director of the Centre for Children’s Rights

States have committed to implementing the provisions of the UNCRC in all policy affecting children. A child rights based approach requires policy makers not only to integrate children’s rights standards but also to involve children in the development and implementation of policy. This presentation will provide an overview of three aspects of this for practice, drawing on recent research locally and globally. First, it will look at how policy makers can engage with the substantive rights in the Convention and not just the best interests principles or right to be heard. Secondly, it will provide a short overview of some of the processes which support rights-based policy formation and implementation, including the need for relevant data and budget information. Finally, it will address the issue of meaningful child participation in policy-making drawing on a range of successful examples.

### Embedding CRWIA into National Frameworks

Lisa Payne, Child Policy and Research Consultant

In 2015, the Scottish Government published a set of templates with accompanying guidance on Child Rights and Wellbeing Impact Assessment (CRWIA), describing it as a policy improvement approach to assess the possible impact of its proposed policies and legislation with respect to the Articles of the UNCRC and children’s wellbeing. The 2014 Act Part 1 guidance on the Duties of Public Authorities in Relation to the UNCRC suggests that public authorities, including local government and health boards, might find the CRWIA approach useful.

But what is CRWIA? Why do it? Is it useful? Does it improve outcomes for children and young people? We will look at the rationale for doing CRWIA; set out the different stages of the process and the elements of effective practice; review the existing evidence from the UK and around the world; and explore case studies of where a child-focused impact assessment has helped steer decision-making at the highest levels.



## Experiences of implementing CRWIA

Gita Sharkey, Team Leader of the Rights and Participation Team, Scottish Government

Duties on Scottish Ministers with respect to Part 1 of the Children and Young People (Scotland) Act 2014 (children's rights) have been in force since June 2015. To support Ministers in these duties, officials across Scottish Government have been undertaking Child Rights and Wellbeing Impact Assessments (CRWIA) on new policy and legislation. This presentation will consider the background to and development of the CRWIA, provide a brief overview of what it is, the component stages and when and how it should be used, provide information on where to find published CRWIAs and reflect on experiences to date and future activity.

Pauline McIntyre, Parliamentary and Policy Officer at the Office of the Children and Young People's Commissioner for Scotland

Co-author of a CRWIA on the minimum age of criminal responsibility, Pauline McIntyre will explore how producing a CRWIA can lead to the best possible outcomes for children and young people and bring benefits to policy-makers too.

The CRWIA on the minimum age of criminal responsibility considered how increasing the age from 8 to 12 years old would impact upon different groups of children, including those demonstrating harmful behaviour as well as child victims and witnesses. It also assessed the broader impact of changing the law on the Children's Hearings system, Police powers and Disclosure/PVG checks. Where there were competing rights considerations, the CRWIA helped examine the best way forward. Creating a CRWIA helped ensure discussions were firmly grounded in children's rights. This session/presentation will explore the key learning from the creation of this CRWIA, explore some of the challenges faced and highlight best practice moving forwards.

Graham Robinson, Policy Manager in Planning & Architecture, Scottish Government

The Scottish Government is currently reviewing the planning system to deliver great places and be a force for positive change. Proposals in the consultation paper '[Places, People and Planning](#)' build upon the report of the Independent Planning Review with plans in place to bring forward amendments to planning legislation at the Scottish Parliament later this year. Proposals include support for the further engagement of children and young people in the planning process, particularly in the future development of where they live, play and go to school. The Scottish Government is undertaking a CRWIA and Graham Robinson will outline the Government's proposals and the range of approaches being used to develop policy.

## 'More Than a Piece of Paper': Policy tools supporting children's rights

Dr Susan Elsley, Independent Consultant

There is widespread commitment to children's rights in Scotland. Realising children's rights through our policy and practice is more challenging. This presentation will look at the value and challenges of policy tools to support implementation of the UNCRC in Scotland and more widely, using the example of the guidance produced for Part 1 of the 2014 Act and its relevance to Part 3 on children's services planning. It will consider how the Part 1 guidance uses existing UN Committee mechanisms and explore how organisations and children's rights champions can support reporting on children's rights. The presentation will draw on Susan Elsley's extensive experience in developing tools and resources on children's rights.

## Planning for Part 1 and Reporting Duties of the 2014 Act: A local authority perspective

Gayle Gorman, Director of Education and Children's Services at Aberdeen City Council

All children and young people should enjoy being young and at the same time feel safe, nurtured, healthy, active, included, respected and responsible. To achieve this vision Aberdeen City Council is committed to ensuring the opinions and voices of children and young people are part of decision making locally and regionally. By continuing to work with the Children's Parliament, UNCRC and UNICEF as key partners, we will embed approaches to children's



voice and participation in all we do. To this end, Aberdeen City Council seeks to promote and lead on these developments across the city by coming together as colleagues, parents and carers to ensure every child and young person is supported to participate in decisions that affect them and enabled to achieve their full potential. This presentation will outline the key activities that we are undertaking to realise this vision: supporting staff, a comprehensive programme of engagement involving all of our children and young people as well as the continuous development of new structures and platforms for young people to have their voices heard, enabling participation at all levels.

### Children and young people's project

Throughout the series, a team of MSYPs and members of the Glasgow Youth Council will be working with us to write child-friendly briefings to inform a fantastic creative project run in partnership with the Children's Parliament. The children from Children's Parliament will create a set of artwork panels, depicting how they interpret key messages from the series and what they think should be done to further the UNCRC in Scotland. This work will be displayed in Scottish Parliament, placing awareness and understanding of children's rights in the centre of decision-making environments.

The MSYPs and members of the Glasgow Youth Council present at the seminars will also be providing input to the short video being made by Young Scot, to give their perspectives on what they have heard throughout the day and how they see key issues impacting on children and young people.

### More information about the organisers of this event

- [Together](#) (Scottish Alliance for Children's Rights)
- [Centre for Research on Families and Relationships](#) (CRFR) at the University of Edinburgh
- [Centre for Child Wellbeing and Protection](#) (CCWP) at the University of Stirling

For further details on the seminar series, visit the following pages or contact Liz Millership on 0131 337 9015 / [liz@togetherscotland.org.uk](mailto:liz@togetherscotland.org.uk)

- [Eventbrite organiser page](#)
- [SUll information page](#)
- [Together's webpage for all seminar outputs](#)



## Implementing and monitoring the UN Convention on the Rights of the Child (UNCRC) in Scotland – Seminar Series 2017

### The UNCRC in Policy: Biographies in order of appearance

#### Fiona Jones – Opening remarks

Fiona is the Policy and Advocacy Consultant and co-founder of Clan Childlaw, a unique advocacy and legal service for children and young people. She provides legal advice on all aspects of child law, contributes to policy development and delivers training. Fiona is a non-practising member of the Faculty of Advocates, with many years of experience working to advance the realisation of Children's Rights in Scotland. She is a member of the Family Law Committee of the Scottish Civil Justice Council. She has, until recently, been a Safeguarder in the Children's Hearings System and a Child Welfare Reporter at Edinburgh Sheriff Court. She has also been a learning assistant to a child with autism and an adviser in a Citizen's Advice Bureau. Fiona has been on the Board of Together since 2013.

#### Joe Griffin – Morning Chair

Joe Griffin has been Deputy Director in the Children and Families Directorate since March 2016. His responsibilities include overseeing the expansion of free early learning and childcare, Getting It Right for Every Child (GIRFEC), and Scotland's Baby box. Joe has had a variety of roles in a 20 year civil service career, in Edinburgh, Glasgow, London and Paris.

#### Juliet Harris – Morning speaker

Juliet is the Director of Together (Scottish Alliance for Children's Rights) and leads the organisation in promoting and monitoring the implementation of the UN Convention on the Rights of the Child (UNCRC) across Scotland. This includes working with Together's membership of nearly 350 children's organisations and professionals to produce an annual State of Children's Rights report, liaising with government and parliamentarians to further children's rights in policy and practice and reporting on progress to the United Nations Committee on the Rights of the Child. Juliet's previous experience includes six years tackling the destitution and poverty of refugees and asylum seekers, alongside a number of roles with charities working in the field of health and homelessness. Juliet has an LLM in International Human Rights Law.

#### Professor Laura Lundy – Morning speaker

Professor Laura Lundy is Professor of Education Law and Children's Rights and the Director of the Centre for Children's Rights at [Queen's University, Belfast, Northern Ireland](#). Her expertise is in law and children's rights, with a particular focus on children's education rights and right to participate in decision-making. Her 2007 paper conceptualising Article 12 of the UNCRC is one of the most highly cited academic papers on children's rights and the model of participation it proposes (based on four key concepts: Space, Voice, Audience and Influence) has been used globally by policy makers and practitioners. She has extensive practical experience of rights-based, participatory research and consultation with children of all ages and has provide training and consultancy to a range of international organisations including the Committee on the Rights of the Child, the Council of Europe and Child Rights Connect.

#### Lisa Payne – Morning speaker

Lisa has worked on child and family policy, and children's rights issues for 20 years. She was Head of Policy at the National Children's Bureau (NCB) between 1998 and 2011, and in 2012-13 and 2015 led Unicef UK's domestic policy and public affairs work with a particular focus on the implementation of the UN Convention on the Rights of the Child. She also works as a child policy and research consultant working on a range of policy areas including child



poverty, educational reforms, children in care, unaccompanied and separated migrant children, child trafficking, information sharing, early intervention, and Child Rights Impact Assessment (CRIA).

At NCB and on behalf of Westminster's All Party Parliamentary Group for Children, Lisa pioneered CRIA, commissioning and editing a number of child impact statements on UK Public Bills between 1998 and 2007. She also worked with the Office of the Children's Commissioner for England when they developed their in-house criteria for the commissioning of CRIAs; with CYPCS when they developed their CRIA template and guidance; and with the Scottish Government when they developed their CRWIA template and guidance.

#### Gita Sharkey – Morning speaker

After Graduating with an Honours Degree in Marine Biology, Gita joined the Civil Service in 1989. Following posts in Criminal Justice, Education, Finance and Fisheries dealing with such diverse topics as Prisoners' Petitions, Extradition, War Crimes, Zoo Licensing, Betting and Gaming, Badger Baiting, Fishing Vessel Licensing and the Private Finance Initiative amongst others, she joined Children and Families in 2000 where her first post included supporting the professional advisors seconded in to work on 'For Scotland's Children'. Her genuine desire to make things better for the children and young people living in Scotland has kept her within the Directorate working in a number of areas. For the last 6 years she has headed the Rights and Participation Team which currently leads on policy related Children's Rights, Children and Young People's Participation, Disabled Children and Children's Services Planning. She is the mother of 2 grown up sons, plays the trumpet (badly) and runs to stay sane.

#### Pauline McIntyre – Morning speaker

Pauline McIntyre has worked in a range of policy-related roles for the Children and Young People's Commissioner Scotland for the last 12 years, most recently as Parliamentary and Policy Officer. Her day to day role involves scrutinising policy and practice from a children's rights perspective. She has a particular interest in justice related issues.

In 2015/2016, Pauline played a key role in the advisory group which sought to raise the Minimum Age of Criminal Responsibility in Scotland from 8 to 12 years old. She co-wrote the Children's Rights and Well-being Impact Assessment (CRWIA), which was published alongside the advisory group's final report. The CRWIA brought together a wide range of evidence and set out how legislative change was likely to impact on all children, including those demonstrating harmful behaviour and those affected by that behaviour.

Prior to working at the Commissioner's office, Pauline worked for many years in broadcasting, in both commercial and BBC settings.

#### Graham Robinson – Morning speaker

Graham is a Policy Manager within the Scottish Government's Planning and Architecture Division. His areas of responsibility include the promotion of community engagement in the Scottish planning system and equalities.

#### Cllr Stephanie Primrose – Afternoon Chair

Councillor Stephanie Primrose was elected as an SNP Councillor in May 2012. She was appointed as Cabinet Spokesperson for Promoting Lifelong Learning and is also the Council's COSLA Representative on the Education, Children and Young People Executive Committee. She is the current COSLA Spokesperson for Education, Children and Young People. Cllr Primrose is a qualified and experienced secondary teacher, having gained a Degree in Scottish and Medieval History at Glasgow University. Stephanie particularly enjoyed her role in delivering courses on Scottish History. She has a lifelong interest in history, is married to Christopher and has three children all of whom attend a local secondary school.



### Susan Elsley – Afternoon speaker

Susan Elsley is an independent writer, policy analyst and researcher with a focus on children and young people and the services that support them. She works at the interface of policy, practice and research, underpinned by a commitment to children's human rights.

Susan regularly undertakes work for government and other public bodies, universities and voluntary organisations in Scotland and internationally. Her interests include: rights-based policy and services; children's wellbeing; looked after children; children's play; participation, advocacy and mentoring. She also works with organisations across sectors to support their governance, planning and development. Susan has longstanding interests in arts for children, particularly children's books, storytelling and theatre. She has been on the board of Together since 2009 and is currently Vice Chair.

### Gayle Gorman – Afternoon speaker

Gayle is Director of Education Children's Services, the largest service provided within Aberdeen City Council. Under Gayle's leadership Aberdeen City Council received UNICEF's Rights Respecting School Award and is committed to ensuring that the opinions and voices of children and young people are part of decision making locally and regionally. Her Directorate will lead and champion Aberdeen City's bid for UNICEF Child Friendly City status. Gayle was also instrumental in Aberdeen City Council become the first Scottish local authority to commit to the Stonewall initiative. Prior to her appointment at Aberdeen City Council, Gayle was the Director of Learning at Cambridgeshire County Council and National Senior Director for Literacy, where she was responsible for leading the National Literacy Strategy. In this role, she helped to shape major educational policies at national level. Gayle also led the Every Child a Writer programme, Support for Writing, and the Intensifying Support Programme for under-performing schools.

### Professor Kay Tisdall – Concluding remarks

Kay Tisdall is Co-Director of the [Centre for Research on Families and Relationships \(CRFR\)](#) at the University of Edinburgh and Professor of Childhood Policy in the School of Social & Political Science. She is Programme Director of the MSc in Childhood Studies, which is based on children's human rights and provides an intensive [interdisciplinary degree](#) addressing theory, policy and research. Current research projects include a cross-national partnership on monitoring children's participation in child protection and recent publications are within *the International Journal of Children's Rights*, *the International Journal of Human Rights*, and *the Journal of Social Policy*.