



# Seminar Series 2017

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

### Seminar Three - the UNCRC in Policy

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

SUII, University of Strathclyde, Collins Building, 22 Richmond Street, Glasgow G1 1XQ



# Welcome and context

## Fiona Jones Chair, Together

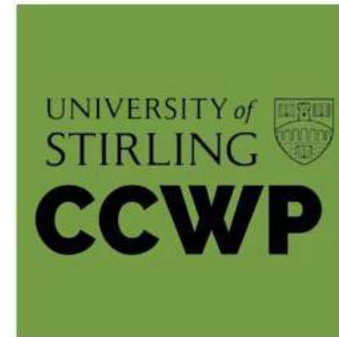
**The UNCRC in Policy**

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

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# UNCRC in Practice - March 20<sup>th</sup>





# Implementing and Monitoring the UNCRC in Scotland

## Seminar Two: The UNCRC in Practice



# Morning Chair

## Joe Griffin

### Deputy Director at Creating Positive Futures Scottish Government

**The UNCRC in Policy**

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# Policy Developments and Children's Rights in Scotland

**Juliet Harris**  
**Director of Together**

**The UNCRC in Policy**

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# Progressing children's rights in policy

- ▶ Policy measures set out by the UN Committee
- ▶ The Scottish framework: Children & Young People (Scotland) Act 2014
- ▶ The Scottish timeline: UNCRC reporting internationally, nationally & locally
- ▶ The opportunities:

“...effective implementation of the Convention requires visible **cross-sectoral coordination** to recognize and realise children’s rights across Government, between different levels of government and between Government and civil society - including in particular children and young people themselves. Few, if any, government departments have no effect on children’s lives, direct or indirect.

**Rigorous monitoring** of implementation is required, which should be built into the process of government at all levels...”



## Measures set out by the UN Committee

**National Strategy for implementing children's rights** - child rights action plan

**Coordination of implementation** - high level unit responsible for making children's rights more visible and ensure coordination across government

**Decentralisation** - ensuring devolved authorities have necessary financial, human and other resources needed to implement the UNCRC

**Child rights impact assessment** - ensuring children's rights are respected in legislation, policy development and delivery at all levels of government

**Data collection** - collection of sufficient, reliable and disaggregated data

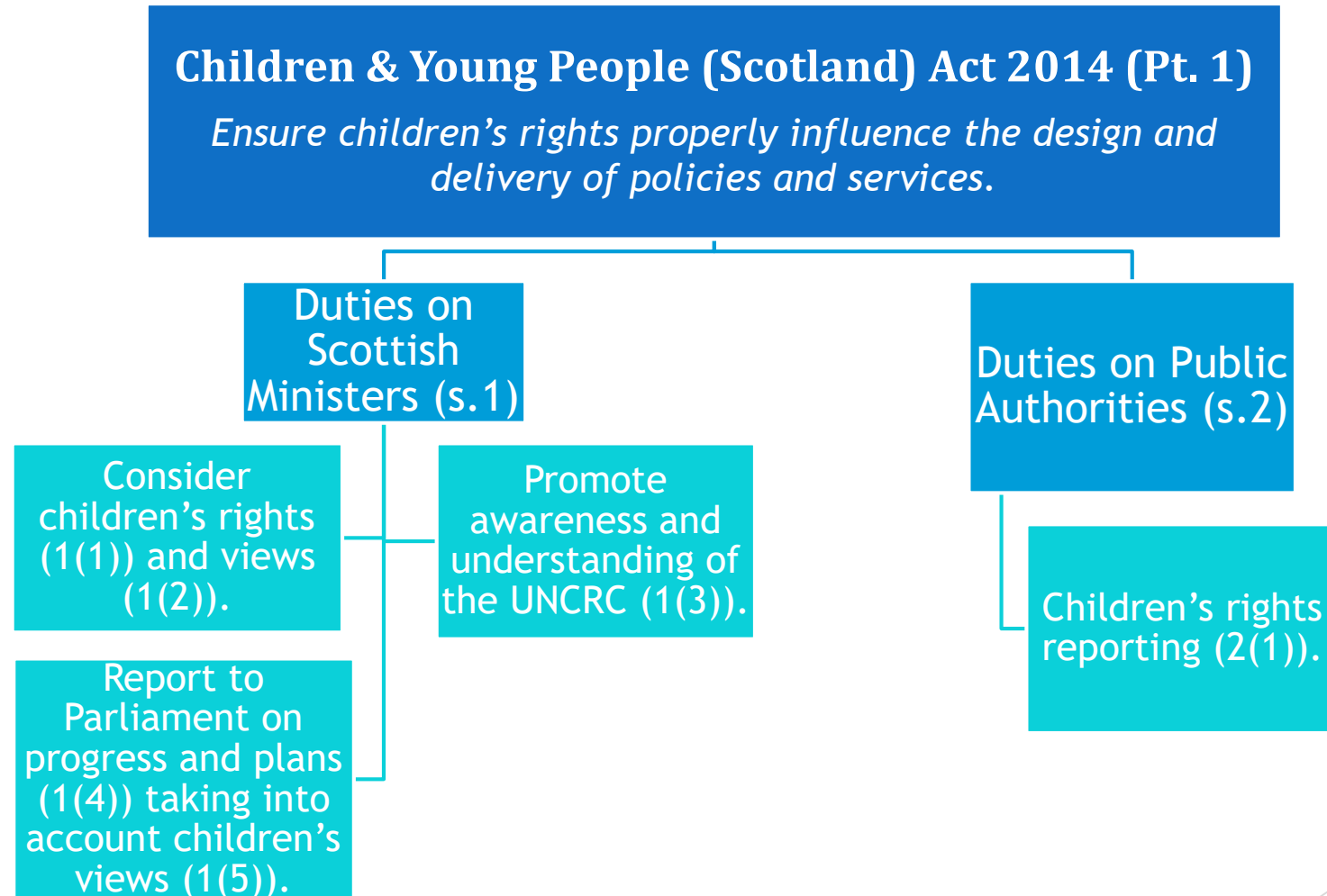
**Budgets** - ensuring children's best interests are at the heart of budgetary decisions

**Training and capacity building** - for government officials, parliamentarians, judiciary, community leaders, social workers, teachers, police, journalists and more

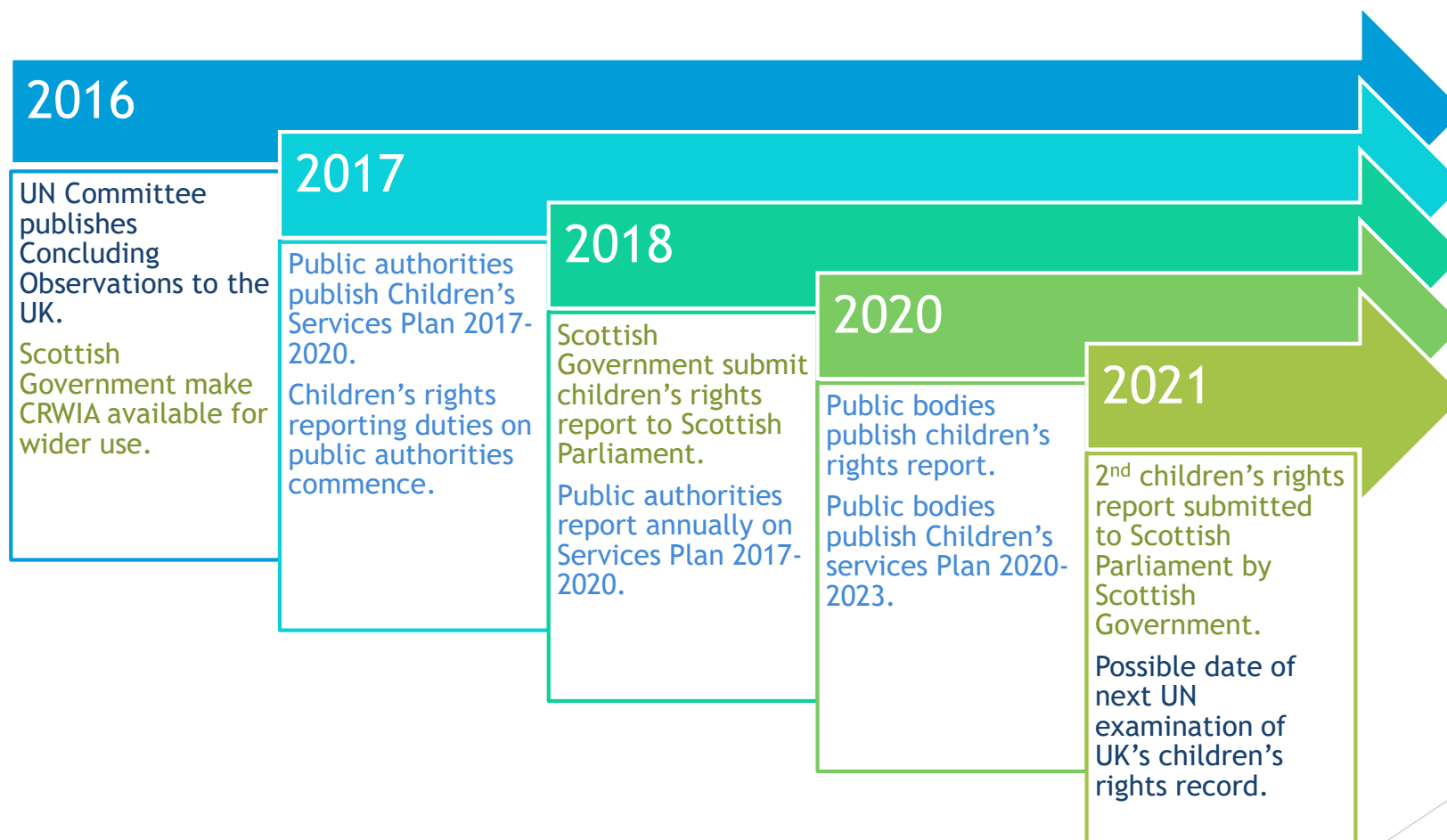
**Cooperation with civil society and internationally** - engaging all sectors of society, including children and young people

**National human rights institutions** - to monitor and encourage compliance

# Progressing children's rights in policy - the framework...



# Progressing children's rights in policy - the timeline



“All statutory planning processes are designed to facilitate the delivery of improved outcomes for Scotland’s population. Set out across various parliamentary acts and regulations, the duties emphasise **the importance of consultation and accountability**, and of **collaboration and joint working**.

They embed a **common focus on the challenge of tackling disadvantage and inequality**, and encourage public bodies and practitioners to attend to this task through a **coordinated and evidence-led use of their resources.**”

Statutory Guidance on Part 3: Children’s Services Planning (para. 162)

**Children's Rights Reporting**  
(Pt. 1 CYP Act 2014)

**Corporate Parenting (Pt 9 CYP Act 2014)**  
**Joint Working (Public Bodies) (Scotland) Act**  
**2014**  
**Community Empowerment (Scotland) Act 2015**

**Children's Services**  
**Planning**  
(Pt. 3 CYP Act 2014)

# Supporting resources

- [Common Core of Skills, Knowledge, Understanding & Values for the Children's Workforce](#)
- [Child Rights and Wellbeing Impact Assessment tool](#)
- [Child Wellbeing Indicators](#)
- [Part 1 Guidance: Duties of Public Authorities in relation to the UNCRC](#)
- [Part 3 Statutory Guidance: Children's Services Planning](#)
  
- [State of Children's Rights report 2016](#)
- [UN Committee Concluding Observations to the UK \(2016\)](#)
  
- [Golden Rules for Participation](#)

# Measures set out by the UN Committee

<b>National Strategy for implementing children's rights</b>	x
<b>Coordination of implementation</b> - small unit within Scottish Government	=
<b>Decentralisation</b> - Pt 1 duties to report	=
<b>Child rights impact assessment</b> - at national level	=
<b>Data collection</b> - child wellbeing indicators	=
<b>Budgets</b> - Scottish budget	=
<b>Training and capacity building</b> - Common Core	=
<b>Cooperation with civil society and internationally</b> - Cabinet meeting with Children & Young People, SCRIMG, CRC reporting	=
<b>National human rights institutions</b> - Children and Young People's Commissioner for Scotland, Scottish Human Rights Commission	√

UN Committee, General Comment no. 5: General measures of implementation



# Children's Rights in Policy Developments: National and International Experiences

**Professor Laura Lundy**  
**Centre for Children's Rights,**  
**Queen's University Belfast**

**The UNCRC in Policy**

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

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# The legal underpinning

States Parties must

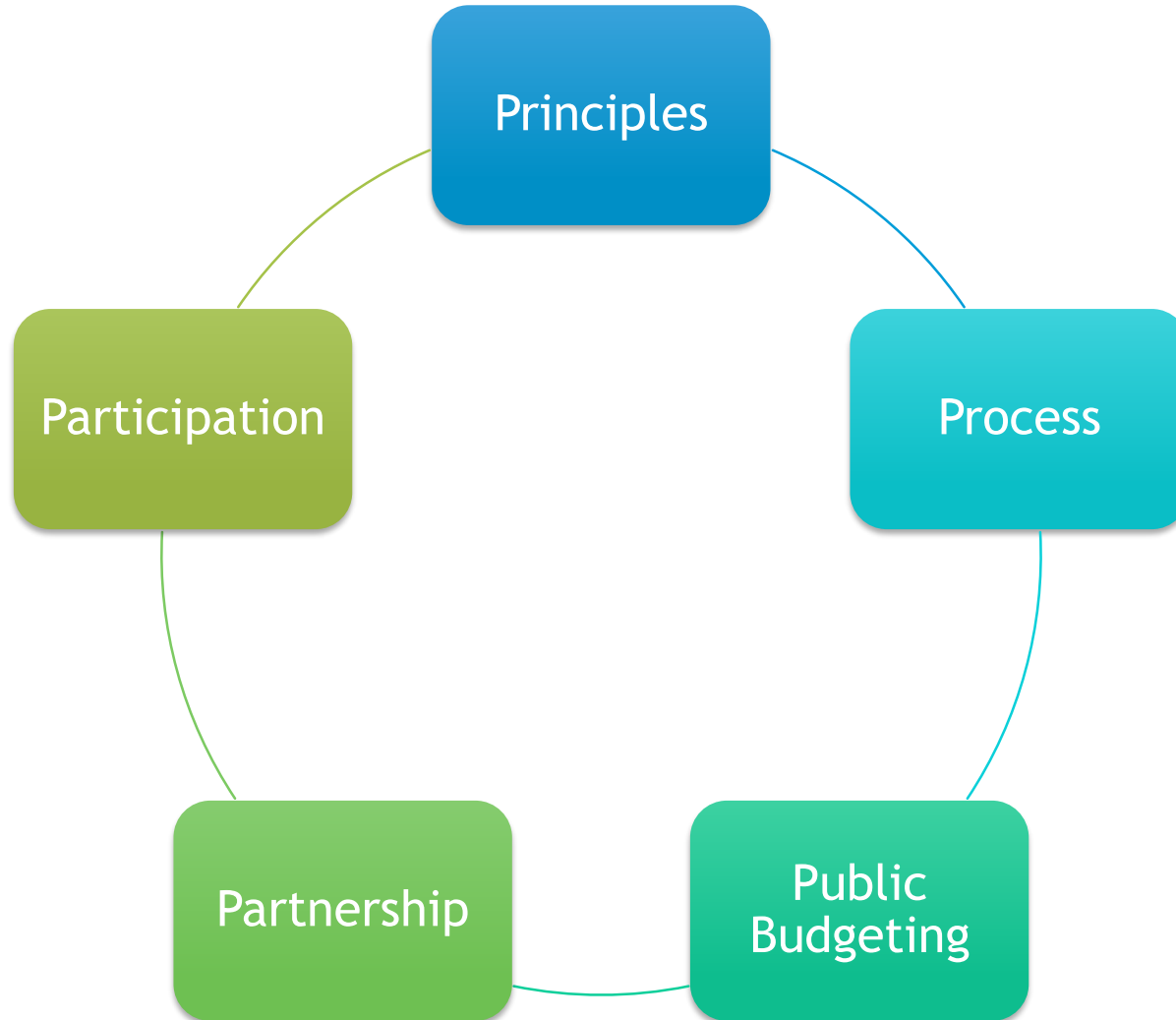
***‘undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.***

***Art. 4 UNCRC***

# Spot the difference?



# Children's rights-based policy making



# 1. Principles (and provisions)

A child rights-based approach means engaging with the substantive rights of the UNCRC - not just Articles 3 and 12



# A child rights-based school attendance policy?

States shall take measures to encourage regular attendance at school

Art 28 (e)



# Why might engaging with the UNCRC be useful?

- ▶ Developing policy objectives with legal and moral coinage
- ▶ Committee on the Rights of the Child produces readily available guidance on many children's issues ([www.ohchr.org](http://www.ohchr.org))

## 2. Process

Children's Rights Impact Assessments.

Research for UNICEF-UK (Lundy, Kilkelly, Byrne 2012) shows that there is no one right way to implement this.





# Process

- Effective implementation requires a ‘continuous form of child impact assessment and evaluation’ (GC5, para 35).
- E.g. Belgium, Sweden, Australia
- Children’s rights legislation could include a duty on public authorities to produce a child rights impact assessment with respect to:
  - All new or amended legislation
  - Formulation of a new policy
  - Any review of or change to existing policy



**“Making policy  
without data is  
like going to war  
without a map”**

Byrne and Lundy 2012

# 3. Partnership



# Rights are interconnected and inter-dependent





# Factors that support cross-departmental working (Byrne, Maguire, Lundy, 2015)

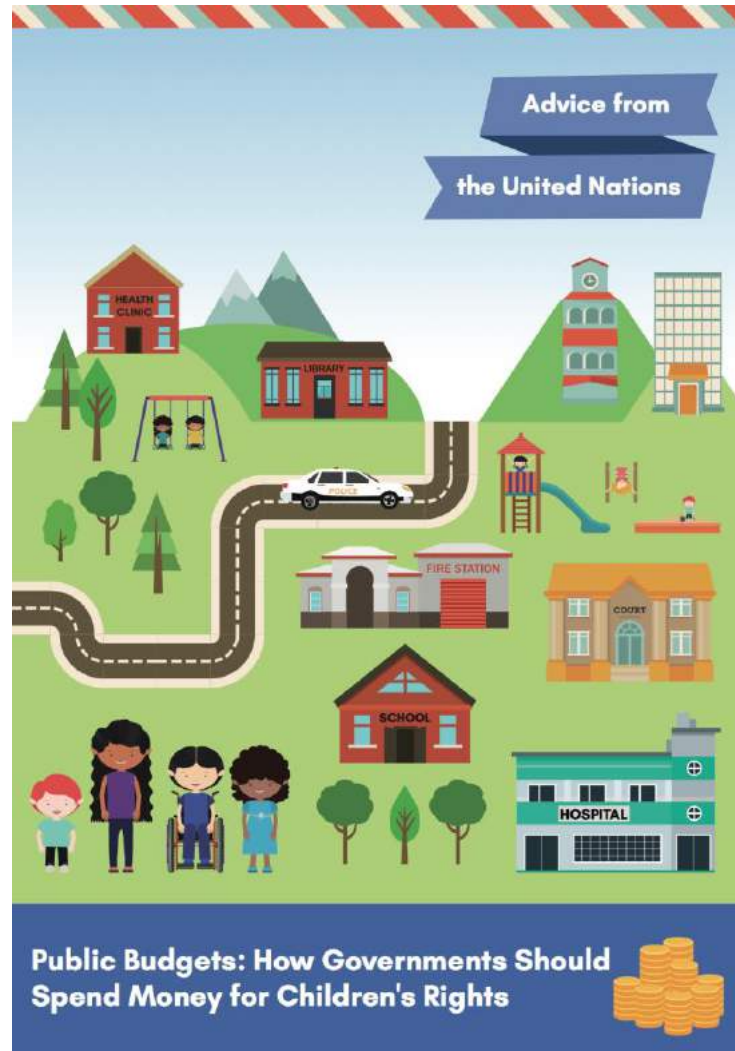
- ▶ A clear mandate and leadership.
- ▶ A shared vision and a sense of shared ownership
- ▶ Clear and effective communication structures.
- ▶ Clarity on the kinds of information/data that need to be collected to allow effective monitoring to take place.
- ▶ A common means of information sharing.
- ▶ The development of a concise reporting template.

# 4. Public Budgeting



# General Comment No. 19

- ▶ Visibility
- ▶ Efficiency
- ▶ Participation





# Children's Advice to Governments

*a) Plan well. There should be enough money in the budget to provide for all rights of children;*

*(b) It is impossible for you to invest in us if you do not ask us what to invest in!*

*We know; you should ask;*

*(c) Do not forget to include children with special needs in your budgets;*

*(d) Spend money fairly and wisely. Don't spend our money on something that is useless –be efficient, save money;*

*(e) Investing in children is a long-term investment, and it generates a lot, so remember to think of it;*

*(f) Investment in our families is also an important way of securing our rights;*

*(g) Make sure there is no corruption;*

*(h) Recognize the rights of all citizens, both young and old, by listening to People's opinions on matters of governance;*

*(i) I would like the Government to be more accountable and transparent;*

*(j) Publish records of how the money is spent;*

*(k) Provide budget information to all children in ways that are easily understood and in media that are popular with children, like social media.*

# 5. Participation



# Tokenism is ... a start?

Created by The Freechild Project - <http://freechild.org>



Rung 7: Young people lead & initiate action

Rung 6: Adult-initiated, shared decisions with young people

Rung 5: Young people consulted and informed

Rung 4: Young people assigned and informed

Rung 3: Young people tokenized\*

Rung 2: Young people are decoration\*

Rung 1: Young people are manipulated\*

# The value of face to face contact

## (Marshall, Byrne, Lundy 2015)

*In the past year for example I can think of conversations I've had with children and young people and they weren't like [consultation events]. They were proper business meetings where we sat down and talked very seriously about their situations and in those meetings I got to hear probably some of the most salient pieces of information about policy-making that I needed to... (Policy-maker)*

*And these people went back into the department, and the human bit of them like 'I am a mother, and I couldn't have this for my son'. (NGO representative)*

*to have the Education Minister there as well was brilliant and to get his immediate feedback - just the presentation and then he was on the spot... (Young person)*

# Ireland's National Children's Participation Strategy (2015): A Checklist based on the Lundy Model

## Space

**HOW:** Provide a safe and inclusive space for children to express their views

- Have children's views been actively sought?
- Was there a safe space in which children can express themselves freely?
- Have steps been taken to ensure that all children can take part?

## Voice

**HOW:** Provide appropriate information and facilitate the expression of children's views

- Have children been given the information they need to form a view?
- Do children know that they do not have to take part?
- Have children been given a range of options as to how they might choose to express themselves?

## Audience

**HOW:** Ensure that children's views are communicated to someone with the responsibility to listen

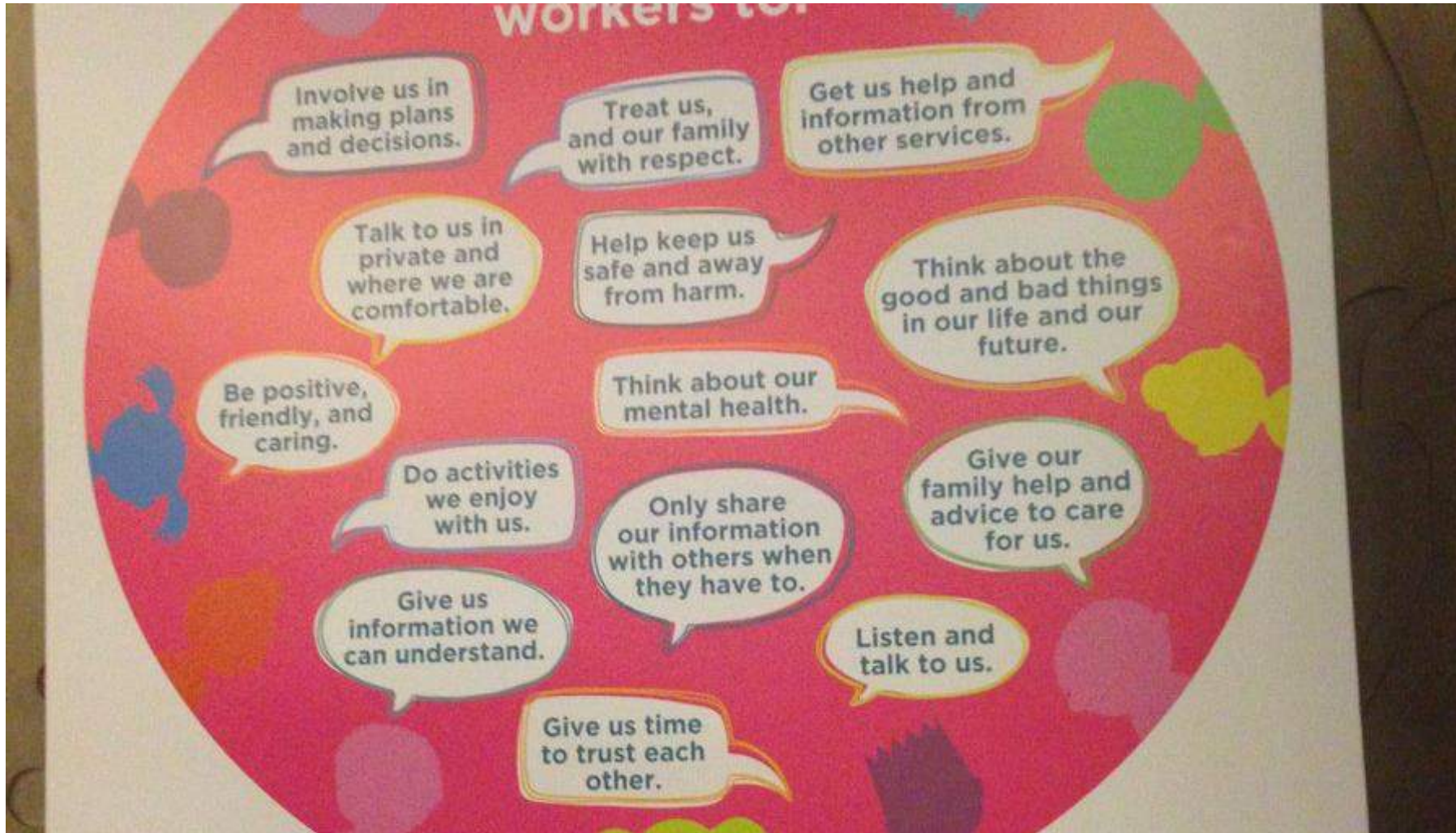
- Is there a process for communicating children's views?
- Do children know who their views are being communicated to?
- Does that person/body have the power to make decisions?

## Influence

**HOW:** Ensure that children's views are taken seriously and acted upon, where appropriate

- Were the children's views considered by those with the power to effect change?
- Are there procedures in place that ensure that the children's views have been taken seriously?
- Have the children and young people been provided with feedback explaining the reasons for decisions taken?

# Tusla: The Irish Child and Family Agency



# Children's realities

- ▶ *It was evident that they used our participation showing up in the media (in relation to a consultation that took place after the budget was finalised) (Eastern Europe)*
- ▶ *We tried to get an appointment with him for over a year, and not once could we go and see him, even though he told us that his office door is always open to us children. (Africa)*
- ▶ *When we're not listened to, we feel as if we're not worth anything, that what we're saying isn't logical, that it doesn't matter what we say or feel, let alone what we're thinking. We feel like a fumigated cockroach. 😊. (Latin America and Caribbean)*

# Some helpful 'F' words...

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Fast

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Full

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**Feedback**  
should be:

Friendly (Child-)

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Followed-up.

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# Q+A session

**The UNCRC in Policy**

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# Teas & coffees

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# CRIA → CRWIA: Embedding CRWIA into National Frameworks

**Lisa Payne**  
**Child Policy and Research Consultant**

**The UNCRC in Policy**

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

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# All about CRIA (and CRIWA) . . .

- ▶ What is it
- ▶ Why do it
- ▶ Who does it, and where
- ▶ How do they do it
- ▶ Lessons from practice
- ▶ CRIA in Scotland → CRWIA

# What is CRIA?

- ▶ CRIA is used to **systematically assess** the impact on children of proposed laws, **policies or budgetary allocations** as measured against the Articles of the UNCRC and domestic human rights/child wellbeing frameworks
- ▶ CRIA supports evidence-based policy making

# Types of CRIA

## ▶ *Ex ante* CRIA

- ▶ Systematically examine the potential impacts on children of policies, laws and programmes as they are being developed

## ▶ *Ex post* CRIA

- ▶ Review and evaluate the actual impact of those policies, laws and programmes

## ▶ BOTH

- ▶ Allow those undertaking the CRIA to consider the impact and recommend any necessary changes to the policies, legislation or programmes

# UNCRC foundation

- ▶ CRIA is one of the general measures of implementation of the UNCRC
  - ▶ Article 4 UNCRC requires States to undertake ‘*all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present Convention*’
  - ▶ Article 3 UNCRC requires States to carry out systematic consideration of the impact of the ‘best interests’ principle (General Comment no.14)

# Why do CRIA?

- To make children's issues more 'visible' - and include children in the development of the policies and laws that affect them
- To raise awareness and understanding of children's rights and the UNCRC
- To develop a more strategic process for policy development that affects children
- To improve cross-departmental and cross-sectoral coordination by focusing on the whole child
- To set out the full range of impacts for children before decisions are made, maximise positive impacts and avoid/mitigate negative impacts for children
- To increase the legitimacy of government decisions through greater transparency in policy development
- To better implement and ensure compliance with, and contribute towards monitoring of, the UNCRC
- To promote and embed children's rights in the minds of policy-makers, legislators and decision-makers



# International examples

- ▶ 6 EU States have requirements in place for CRIA
  - ▶ Sweden, Flanders (Belgium), Austria, Finland, Italy and Wales (UK)
- ▶ Other EU States include CRIA as part of Human Rights or Social Impact Assessment
  - ▶ Denmark and Estonia include specific reference to children's rights
  - ▶ Others may specify children as a 'vulnerable group'
- ▶ Children's Commissioners/Ombudspersons
  - ▶ Ireland, Australia
- ▶ Regional level CRIAs
  - ▶ Province of New Brunswick, Canada
- ▶ Local level CRIAs
  - ▶ Auckland & Makau, New Zealand; City of Edmonton, Canada; Wales

# There is no single, global model of CRIA

- ▶ Central, regional, local government or NHRIs which adopt CRIA create their own, bespoke models suited to their specific requirements and addressing local priorities and objectives.

# CRIA . . .

- ▶ Provides for the consideration of the direct or indirect impact of legislative, policy or administrative decisions on children
- ▶ Covers individual children, groups of children, and children generally - often a focus on the most vulnerable or marginalised
- ▶ Potential impacts can be positive, negative or neutral
- ▶ Potential impacts can be short, medium or long-term
- ▶ Mainstreams international children's rights principles and standards into domestic policy and legislative development, local planning, and service design and delivery

# CRIA process

- ▶ Setting out the policy/legislation including its **overall aims**
- ▶ **6 stage process** (common IA practice)
  - ▶ Screening
  - ▶ Scoping
  - ▶ Data collection, evidence gathering and consultation
  - ▶ Impact assessment
  - ▶ Options and recommendations
  - ▶ Monitoring and review
- ▶ **CRIA - the published report**

# Practice issues

## ▶ CRIAs can

- ▶ Mobilise resource and attention
- ▶ Identify unintended impacts and suggest how those could be avoided, mitigated or revised
- ▶ Encourage cross-government and cross-sectoral working
- ▶ Enhance democratic accountability
- ▶ Build the evidence base

## ▶ BUT they can also

- ▶ Focus on compliance rather than the progressive realisation of children's rights
- ▶ Be overly bureaucratic
- ▶ Be regarded by officials as an additional burden
- ▶ Be used to justify decisions that have already been made

# Case notes

- ▶ Child and youth impact report (JoKER) - the Flemish model of CRIA
- ▶ Welsh CRIA
- ▶ New Brunswick CRIA  
<http://criacommunity.org/>

# How to make CRIA more effective

- ▶ Make them apolitical
- ▶ Recognise resource implications of requiring CRIAs, and ensure sufficient resourcing in terms of time and budget
- ▶ Begin the CRWIA as early as possible in the policy development process
- ▶ Avoid 'snapshot' CRIAs
- ▶ Fill the gaps when inadequate qualitative/quantitative data has been identified
- ▶ Undertake genuine stakeholder engagement, and the meaningful involvement of children and young people
- ▶ Use the CRIA as a communications tool - make it accessible to children and young people, and other stakeholders
- ▶ Use the CRIA as a monitoring tool - regard implementation as an ongoing rather than a one-off process

# How to embed CRIA

- ▶ Make it mandatory
- ▶ Make its purpose clear
- ▶ Set up systems that initiate the CRIA at the beginning of the policy development process
- ▶ Have a template & guidance
- ▶ Have a central expert team in government with the capacity to advise & support, and the authority to challenge poor practice
- ▶ Ensure ongoing UNCRC training & facilitated access to additional, supportive resources
- ▶ Establish an advisory group/work with CYPCS to enhance external scrutiny & maintain the momentum



# Impact of CRIA

- ▶ Supports a child rights based approach to policy development, legislative change and, at local level, planning, commissioning, design and delivery of services

*The real change is CRIA and the way it drives and supports greater awareness and understanding of the UNCRC and children's rights*

# CRIA → CRWIA

- ▶ Developed for the Scottish Government
  - ▶ Follows accepted impact assessment practice
  - ▶ SG template & guidance
  - ▶ Training
  - ▶ Rights and Participation Team
- 
- ▶ Suggestion that it can be used, or used as a reference point for CRIA, at local level



# Q+A session

**The UNCRC in Policy**

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# Experiences in Implementing CRWIA

**Gita Sharkey**  
**Rights and Participation Team,**  
**Scottish Government**

**The UNCRC in Policy**

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

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# Development of the Child Rights and Wellbeing Impact Assessment

## Context

### Do the Right Thing – published 2009

- Look at the experience of those who have used the children's rights impact assessment tool developed by Scotland's Commissioner for Children and Young People (SCCYP) to help develop policy within the Scottish Government and consider whether/how we should adapt it to make it relevant and appropriate for wider use.
- Consider a trial of children's rights impact assessment in a section of Scottish Government to see how it can help promote and develop a consideration of children's rights in the policy making process.

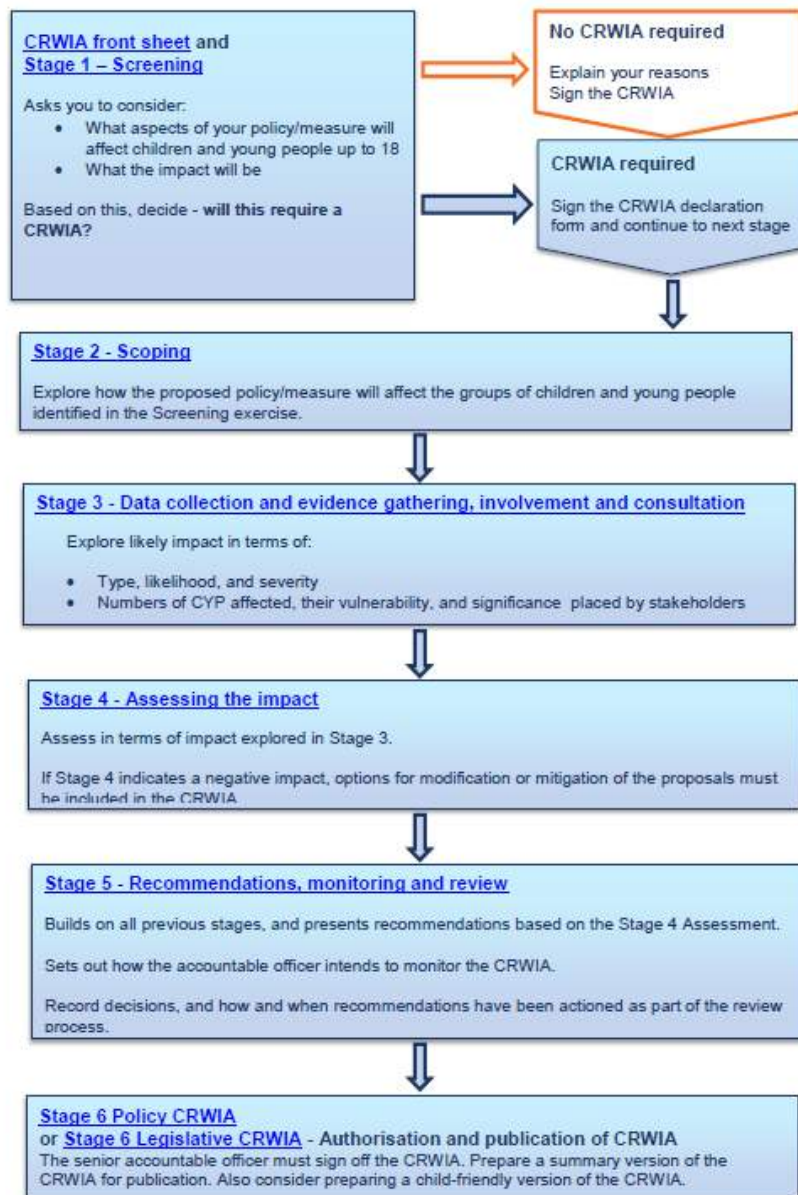
# Development of the Child Rights and Wellbeing Impact Assessment Context

- Children and Young People (Scotland) Bill -
  - Education and Culture Committee Report
  - Stage 2 and 3 amendments
  - Ministerial response
    - Child rights Impact assessment being developed
    - Non-legislative guidance
    - Need for proportionality
- Child Rights and Wellbeing Impact Assessment - Lisa Payne

# What is the Child Rights and Wellbeing Impact Assessment (CRWIA)?

- ▶ Purpose built impact assessment for specific use by Scottish Government officials.
- ▶ Launched on 15 June 2015 - part of the implementation strategy for Ministerial duties under Part 1 of the C&YP (S) Act 2014.
- ▶ Covers individual children, groups of children, and all children up to age 18.
- ▶ An approach, a tool and a published output, based on EQIA. Intended to help us champion the interests of children and think about what more we can do to place children and young people at the centre of our policies.

Follow links below to CRWIA Front Sheet, Screening and Publication templates





## ▼ People and Society

### ▼ Children, young people and families

#### ▼ Children and young people

##### ▼ Children's rights

- ▶ Implementation of UNCRC
- ▶ Making rights 'real'
- ▶ Publishing CRWIA
- ▶ CYPFEIF/ALEC

## Child Rights and Wellbeing Impact Assessment (CRWIA)

The Child Rights and Wellbeing Impact Assessment (CRWIA) is a policy development and improvement approach used by Scottish Government officials from June 2015. It has been designed to help support Ministers in meeting their duties under [Part 1 of the Children and Young People \(Scotland\) Act 2014](#), the '2014 Act', and in relation to the Articles of the United Nations Convention of the Rights of the Child ([UNCRC](#)).

The CRWIA helps Government policy teams assess whether Scottish Government policies, measures and legislation will:

- help make [children's rights](#) a reality in Scotland
- protect and promote the [wellbeing of children and young people](#), as defined by the wellbeing indicators in the 2014 Act.

The CRWIA can be undertaken as part of a joint impact assessment (for example with an [EQIA](#)), provided that there is cross-referencing of issues relevant to each impact assessment, and that outputs are published separately.

### **Availability of CRWIA Guidance for Scottish Government officials for wider use (March 2016)**

The CRWIA policy development and improvement approach has been made available for public authorities and children's services to adapt for their own uses, if they wish.

## Examples of Scottish Government CRWIAs

### **Children and Young People (Scotland) Act 2014**

- [DRAFT - Part 1 of the Children and Young People \(Scotland\) Act 2014 - March 2016](#)
- [DRAFT - Part 3 of the Children and Young People \(Scotland\) Act 2014 - December 2016](#)

### **Child Poverty Bill**

- [Child Poverty Bill – July 2016 to Jan 2017](#)

### **Carers (Scotland) Act 2016**

- [Carers \(Scotland\) Act 2016 - March 2016](#)

### **Tobacco, nicotine and care**

- [The Health \(Tobacco, Nicotine and Care etc.\) \(Scotland\) Bill - Communication aids - March 2016](#)

## Guidance and templates

- [Children's rights legislation in Scotland: A quick reference guide](#)
- [Read the CRWIA guidance](#)
- [Download the CRWIA template](#)
- [CRWIA – 20 minute training](#)

## Related

- [Common Core skills and values for working with children](#)



# Minimum Age of Criminal Responsibility CRWIA

**Pauline McIntyre**  
**Parliamentary and Policy Officer,**  
**Children and Young People's Commissioner for Scotland**  
**(CYPCS)**

**The UNCRC in Policy**

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

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## MACR Independent Advisory Group



- Advisory Group - convened in November 2015, reported in March 2016
- Broad membership - those with experience of youth justice, children's organisations, Police Scotland, Disclosure Scotland etc.
- Purpose of group to explore the implications of raising the Minimum Age of Criminal Responsibility in Scotland from 8 to 12 years old

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## Key Areas



CRWIA had to explore the potential impact of an increase in the Minimum Age of Criminal Responsibility on:

- The Children's Hearings System
- Disclosure, including Police Weeding & Retention
- Care, Protection & Risk
- The Role of the Police

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## Why Use a CRWIA?



- A CRWIA helps you consider how a policy is likely to affect children and young people
- Allows a range of complex, sometimes competing, issues to be explored
- Takes an evidence and rights based approach

## Child Victims & Children Demonstrating Harmful Behaviour

- Balancing the needs of children demonstrating harmful behaviour and child victims and witnesses
- Avoiding a ‘two-tier’ approach for under-8s and children aged 8-11 years
- Giving practitioners confidence to move away from existing practice
- Ensuring ongoing support for child victims and witnesses

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## Police Powers



- Which - if any - Police Powers should be retained if the age of criminal responsibility were to rise?
- Could the retention of Police powers negatively impact upon children?
- Could the retention of Police Powers ever benefit a child?

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## Public Perceptions



CRWIA also needed to address any concerns from the public, such as:

- Those who felt increasing the age of criminal responsibility would let younger children ‘off the hook’
- Those who felt that raising the age of criminal responsibility would prevent more serious behaviours being dealt with appropriately
- Those who felt that the age of criminal responsibility should stay the same



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## Challenges of CRWIA



- Familiarising others with the CRWIA process
- Ensuring CRWIA was balanced and unbiased
- Providing a realistic picture of risk
- Thinking about how we described children's behaviour once it was no longer regarded as 'criminal'
- Completing the CRWIA within tight timescales

## Benefits of Carrying Out a CRWIA



- Allowed for a child rights based approach from the outset
- Ensured Advisory Group work was informed by a range of relevant evidence/research
- Helped set the tone and language to be used in main Advisory Group report
- Clearly set out thinking on the most contentious issues

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## What Else Worked Well?



- Working in partnership
- Starting the CRWIA early
- Advocating for the CRWIA to be published in full, alongside Advisory Group report
- Having access to up to date research
- Being willing to recognise different viewpoints and work constructively with tough feedback

Telephone: 0131 346 5350

Young People's Freephone: 0800 019 1179

Email: [info@cypcs.org.uk](mailto:info@cypcs.org.uk)

Text: 07702 335 720

 [facebook.com/cypcs](https://facebook.com/cypcs)

 @cypcs

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Write: Rosebery House

9 Haymarket Terrace

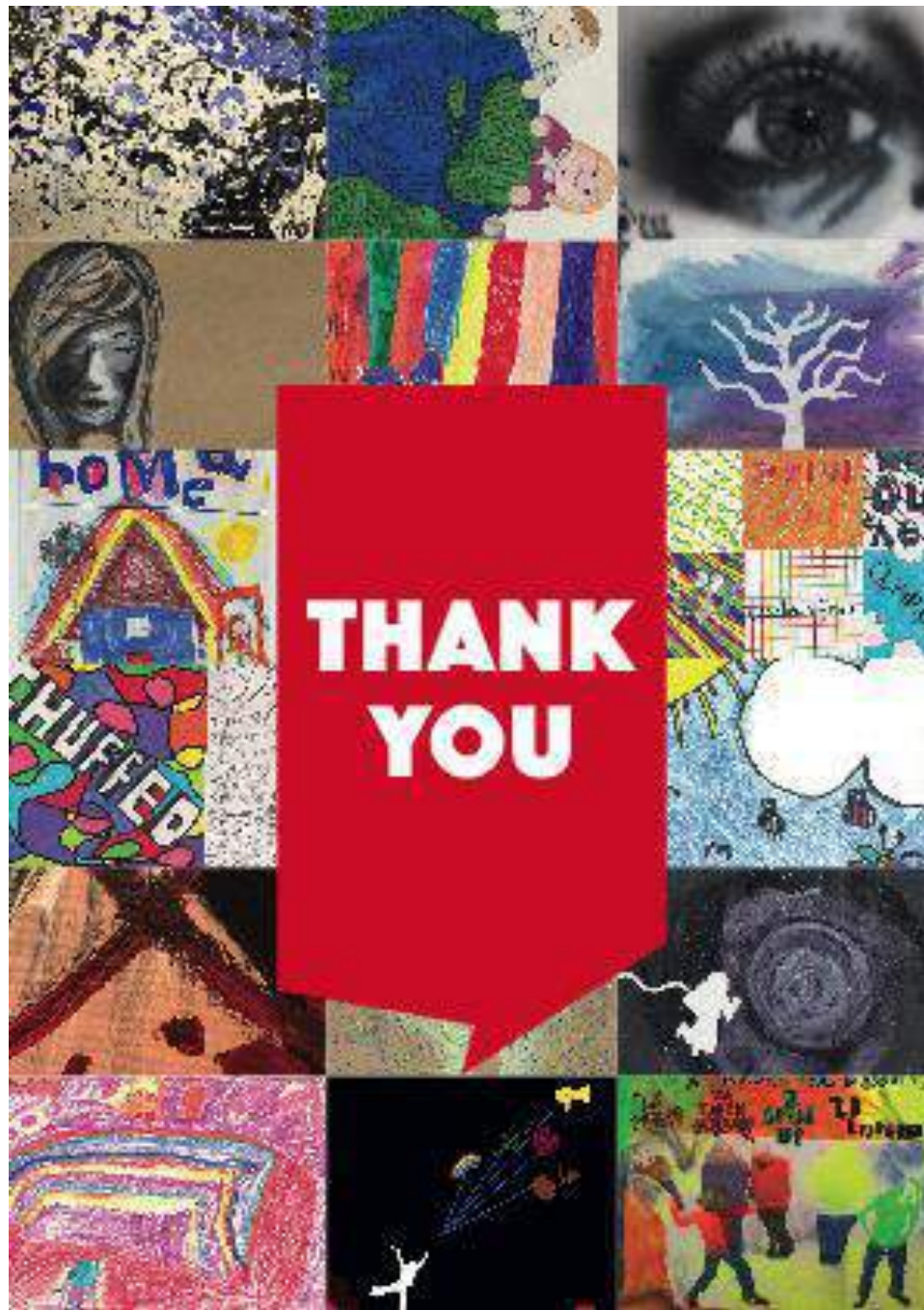
Edinburgh

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[www.cypcs.org.uk](http://www.cypcs.org.uk)

**CHILDREN &  
YOUNG PEOPLE'S**  
Commissioner  
Scotland







# Experiences in Implementing CRWIA

**Graham Robinson**  
**Policy Manager in Planning and Architecture,**  
**Scottish Government**

**The UNCRC in Policy**

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# Places, people and planning

Consulting on the future of the Scottish planning system



# The Scottish Planning System





# The Scottish Planning System



**A successful, sustainable place**

**A low carbon place**

**A natural, resilient place**

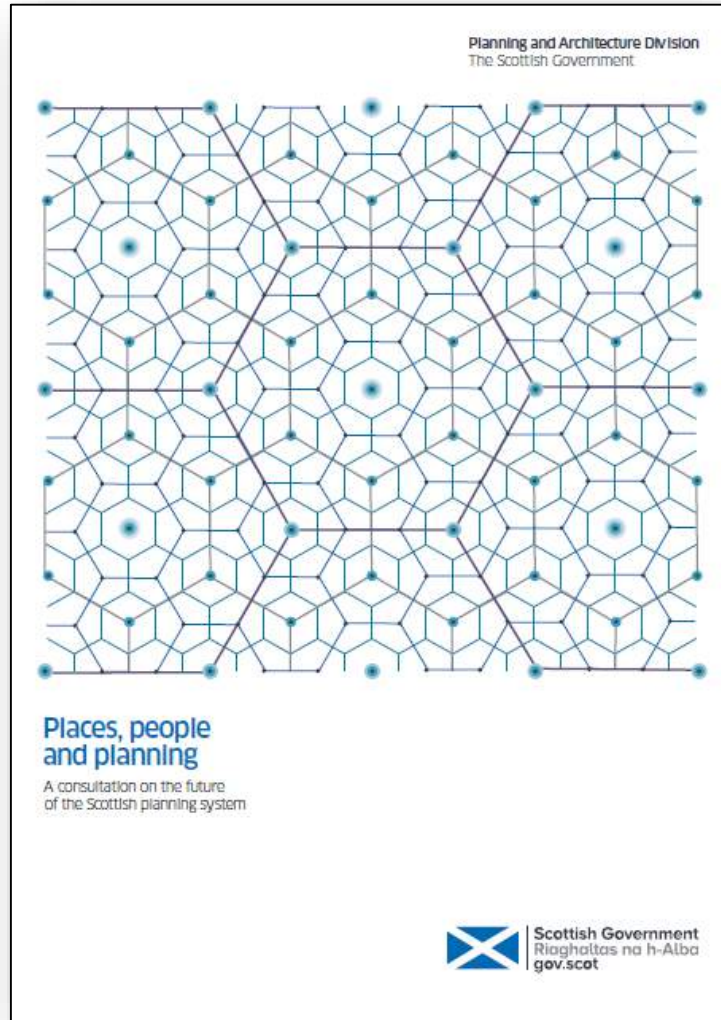
**A more connected place**

# Independent Panel's Report



- Commissioned 2015
- Reported May 2016
- 48 recommendations
  
- Available to view at [www.gov.scot/planningreview](http://www.gov.scot/planningreview)

# Consultation Paper



- Our proposals for how the system could be improved
- Open for consultation until 4 April 2017

# People make the system work

- Working Group involvement
- Scottish Government Evidence Finder
- Draft EqIA / CRWIA
- Research
- YoungScot survey
- Making Places - bringing people together

# People make the system work

- **Making Places - bringing people together**
  - **Planning authorities**
  - **Representative groups**
  - **Charities**

# Next Steps

- Consultation responses
    - Formal Analysis
    - Updates to assessments
  - On-going engagement
    - Support for PAS
  - Engagement Initiatives
    - 2017-18 charrette programme
    - The Place Standard
- ▶ Leading to..... **Planning Bill late 2017**



# Q+A session

**The UNCRC in Policy**

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

SUII, University of Strathclyde, Collins Building, 22 Richmond Street, Glasgow G1 1XQ



# Lunch

## 12.45 - 1:30

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# Afternoon Chair

## Cllr Stephanie Primrose

### Education, Children and Young People, COSLA

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# More than a piece of paper: Policy tools supporting children's rights

**Dr Susan Elsley**  
**Independent Consultant**

**The UNCRC in Policy**

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# Outline of presentation

- ▶ the value and challenges of policy tools to support UNCRC implementation
- ▶ example of guidance produced for Part 1 of the Children and Young People (Scotland) Act 2014 and relevance to Part 3 on children's services planning
- ▶ how organisations and children's rights champions can support the process of developing reports.

# Children's policy

- ▶ 'The Group are concerned that the attitude of professionals and planners for children appears to be influenced by dated personal theory and prejudice. The end result of this process is that policy and professional action evolve in some mysterious fashion because there is no agreed view on basic child care needs and objectives...

## ...and children's rights

- ▶ ...The Group hopes to improve policy development for children by stimulating debate and discussion, culminating in a minimum declared charter of rights for all children in ...'

... a concern of the past as well as the present

**Strathclyde Regional Council (1979)**  
**Room to Grow**

## Part 1, Section 2

- ▶ places a duty on a range of public authorities (including all local authorities and health boards)
- ▶ to report, “as soon as practicable” after the end of each 3 year period
- ▶ on the steps they have taken to secure better or further effect of the requirements of the United Nations Convention on the Rights of the Child (UNCRC)

## Part 1, Section 2

- ▶ The public authorities subject to this duty can choose to satisfy it "in such a manner as the authority considers appropriate", such as through the preparation of a specific report, or by including relevant information in another report.
- ▶ Two or more public authorities can also satisfy this duty through the preparation and publication of a joint report.



# Framework for children's rights reports

- ▶ child rights-based approach
- ▶ uses *clusters* of the Articles of the UNCRC
- ▶ *reflective statements* are examples of areas that public authorities may wish to report on
- ▶ one approach but authorities not obliged to use.

# Questions to help structure

- ▶ What do we **provide or undertake** in relation to this cluster/and/or UNCRC Article?
- ▶ How are we **progressing** in this area of activity? What is working well and where are there gaps?
- ▶ What **evidence** do we have? What is our baseline information? Is there evidence on outcomes for children and young people?
- ▶ ...

## Questions to structure (contd)

- ▶ How is our evidence **informed by** the views and experiences of children and young people?
- ▶ What **next steps or actions** do we need to take arising from the initial questions?

# Example: Cluster ii: General Principles

- ▶ non-discrimination (Article 2)
- ▶ best interests of the child (Article 3)
- ▶ survival and development (Article 6)
- ▶ respect for the views of the child (Article 12)

# Reflective statements

- ▶ We ensure that communication or learning difficulties are not considered an exception to the requirement to obtain and consider the views of the child or young person (Articles 2 and 12).
- ▶ Children and young people have access to independent advocacy where they find it more difficult to claim their rights or if their rights have been violated (Article 12).
- ▶ We ask children and their parents/carers routinely about matters that affect them and provide feedback on how their views have been acted on (Article 12).

# Children's rights and Part 3

‘Using both rights and wellbeing to inform the structural, procedural and outcome framework of a Children's Services Plan offers potential advantages. For example, this approach could be useful for improving proactive interventions that benefit target groups of children over the longer term and also to identify progress in terms of local rights based services agendas.’

Statutory Guidance on Part 3 (Children's Services Planning) of the Children and Young People (Scotland) Act 2014

# Implementation of Part 1 and Part 3

All local authorities and relevant health boards are required to have their children's services plan for the first three year period (1 April 2017 -31 March 2020) in place on **1 April 2017**

First Children's Rights Report due *as soon as practicable* after **31<sup>st</sup> March 2020**

# What we can do

- ▶ Contribute to process discussions
- ▶ Identify areas for reporting
- ▶ Consider what baseline information is available
- ▶ Involve children and young people
- ▶ Engage others - public bodies, third sector and others





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# A local authority perspective on embedding children's rights in line with Part 1 duties

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

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# Aberdeen City Council Education and Children's Services



# Overview of Engagement with Children and Young People

- Partnership with Unicef UK to take forward Rights Respecting Schools (RRSA)
- Partnership with Children's Parliament to explore what children need to keep them safe, happy and healthy
- Youth Work in and out of schools
- Youth Democracy
- ACE group



## Continued

- ▶ City Wide Pupil Voice Group (reps from each secondary school)
- ▶ City Centre master Plan consultation
- ▶ Ideas Hub
- ▶ Consultation on ICS plan



# Service Level Agreement with Unicef UK

- Aberdeen City identifies a strategic lead/ team who:
- Promotes, liaises and manages RRSA within their authority - including training
- Builds capacity within the LA by recruiting and training assessors
- Assesses schools with Recognition of Commitment, Level 1 and Level 2 awards including revalidations
- Is accountable to UNICEF UK for all rights-respecting school work



# Impact of RRSA

- Improved self-esteem and well-being
- Improved relationships and behaviour (reductions in bullying and exclusions and improved attendance)
- Improved engagement in learning
- Positive attitudes towards diversity in society and the reduction of prejudice
- Children and young people's enhanced moral understanding
- Children and young people's support for global justice
- Children and young people become more involved in decision-making in schools



# Children's Parliament and Aberdeen City Council

Children's Parliament has been working with Aberdeen City's 4 Attainment Challenge schools, engaging P4, 5, 6 children in whole class and small group workshops (300 children aged 8 to 11 years old).

- Community reports capture the child's lived experience.
- Senior officials and elected members engage throughout.
- 20 children become Imagineers and represent the work of their peers in a mural and film.
- The Imagineers shared their work, asking adults: What can you do to help deliver the Lighthouse messages - children have presented to ECS and CHI committees, and NHS Board
- The work was central to development of the Children's Services Plan.
- Ongoing engagement to embed a Rights based approach to learning on the SAC schools, and CPD offered across the city

Imagining Aberdeen film: <https://blogs.glowscotland.org.uk/glowblogs/imaginingaberdeen/imagining-aberdeen-film/>





# Aberdeen City Council's youth work in schools team

- Provides a range of learning opportunities from 1 2 1 support to leadership skills
- Are in every academy within a regeneration area
- Target resources at vulnerable learners such as those who are looked after
- Work with primary 6 to senior phase



# Developing Young Leaders

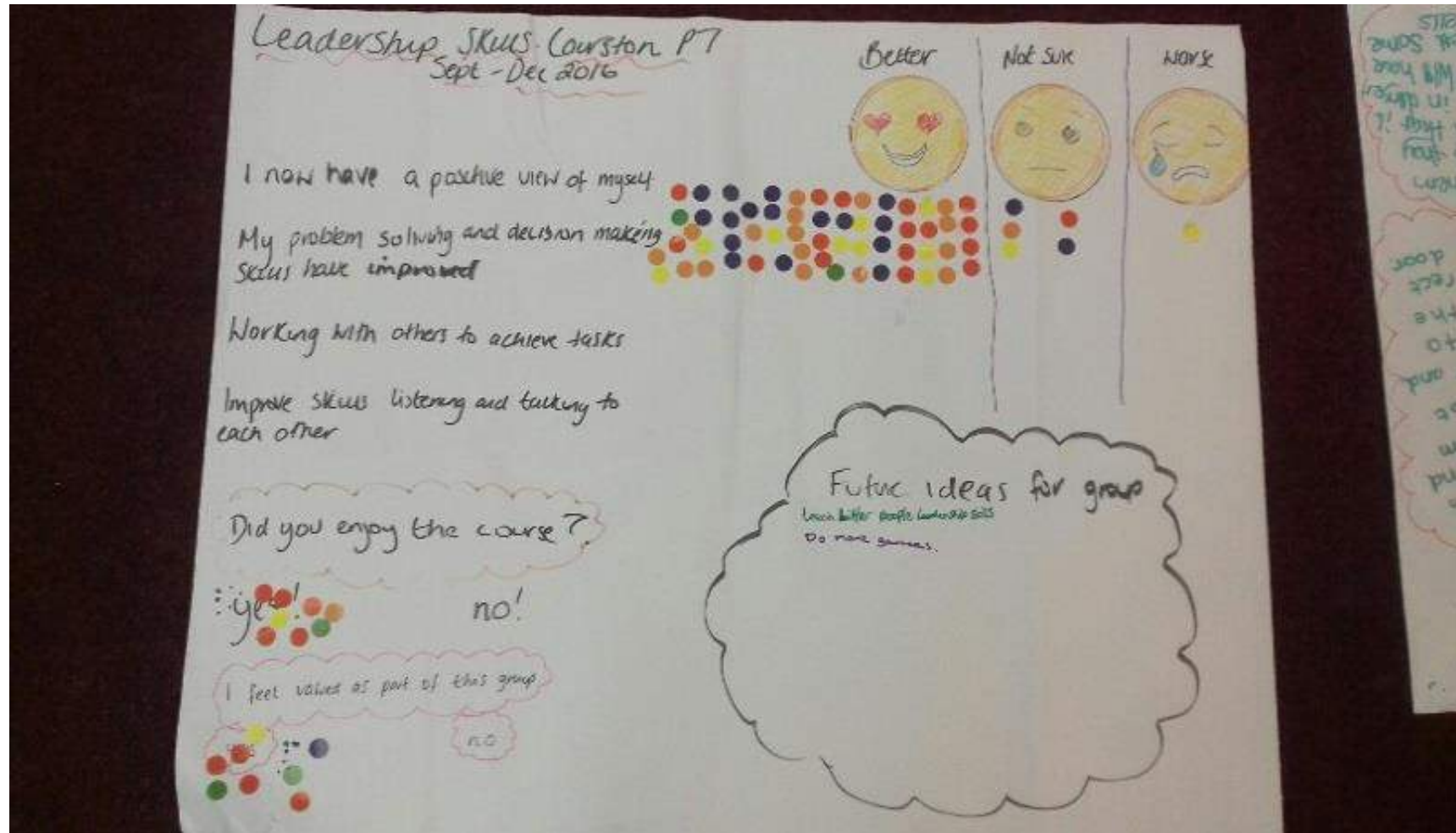


# Example of youth work in schools - leadership skills

- Leadership skills activities have been delivered to pupils in primary 6 and 7 from Loirston and Charleston primary schools
- Each course lasts 12 weeks.
- The activities were designed to include:
  - an understanding of what leadership is
  - The skills and qualities of positive leadership
  - Problem solving skills and activities
  - communication skills
  - Individual strengths
  - Group strengths
  - Decision-making skills
  - Team building challenges
  - Dealing with challenging situations



The evaluation of the course showed that their problem-solving and decision-making techniques had improved



# Case Study - Northfield Academy

- ▶ 1 to 1s
- ▶ Culture Café
- ▶ Small groups
- ▶ Daily lunch drop in sessions
- ▶ Multi Arts Project in partnership with ACC Communities Team and St Nicholas Rotary
- ▶ Saltire Volunteering Accreditation



# Reflective 1-2-1s

- ▶ Part of a larger care package including Ed Psych, Pupil Support, Vol Orgs
- ▶ 1 hour per week
- ▶ Starts with relationship building
- ▶ Progresses through issue identification to a negotiated curriculum
- ▶ **MUST** be responsive - topics can change rapidly reflecting the current life experience of individuals



# Impact

- Increased attendance at school
- Sustained participation at school
- Increased attainment
- Increased aspiration
- Reductions in exclusions
- Personal change and development



# Culture Cafe

- ▶ Set up to provide a space for vulnerable young people to go to
- ▶ Provides leadership and organisational opportunities for volunteers
- ▶ Is financially self-sustaining
- ▶ Programme is influenced by participants and Senior Phase volunteers







Self-awareness  
Increase



Increase  
confid



Working with  
skills



Senior pupils supporting  
younger peers



# Youth Democracy

- Supports Aberdeen City Youth Council (ACYC)
- Manages Scottish Youth Parliament elections for Aberdeen city
- Supports Scottish Youth Parliament members
- Supports local youth forums such as Torry squad and Kincorth south catchers



# Case Study - Torry Squad

Torry squad are the self-named group of young people from Torry who came together in 2015 after an engagement event was held at Torry academy. Through the work they do, Torry squad aims to:

- Consult their peers on matters that are important to young people
- Represent the views of young people at local and city-wide forums
- Encourage others to become young activists
- Build their own skills and capacities



# Torry Squad Achievements so far

- Consulted over 400 pupils at Torry Academy using the British youth council's "mark your mark" survey
- Led discussions on young people's issues at a locality planning event
- Attended Torry learning partnership meetings
- Visited MP Calum Mccaig at his Torry office
- Raised awareness of young people's mental health to young people and adults
- Learned about mindfulness techniques
- Hosted a stand at a "we love Torry" event at which they promoted mindfulness techniques and encouraged discussion about mental health
- Painted a mindfulness mural at Aberdeen's wellbeing centre
- Hosting a youth democracy show at shmu



# Torry Squad at “the riding”, the ceremony that opens the new Scottish Parliament





@AberdeenACE

# WHAT IS A.C.E?



- ▶ A.C.E stands for Aberdeen Care Experienced
- ▶ A.C.E. is made up of a group of care experienced young people.
- ▶ A.C.E. meets regularly
- ▶ A.C.E. empowers young people to share and discuss issues they have faced during their time in care.
- ▶ These issues are then brought to the Aberdeen Champions Board with an aim to make a change and have fun doing it!
- ▶ A Champions Board is made up of professionals from different organisations who have the power to make positive changes for young people. They meet with the young people 4 times a year to offer their support, to listen to what needs to be done and to take responsibility for their organisation in making being in care better for young people.
- ▶ A.C.E is for young people, up to the age of 26, who have at some point in their life lived in one of the following:
  - Residential/Secure – In a children’s home
  - Foster care – With a carer
  - Kinship – With family/friends
  - At home – on a supervision order

## How to get involved?

- ▶ Email Laura Bailey, Development Officer, Who Cares? Scotland – [lbailey@whocarescotland.org](mailto:lbailey@whocarescotland.org)
- ▶ Follow us on Facebook or Twitter using @AberdeenACE. Keep up to date on what we are doing!





WE CAN  
AND WE  
WILL  
MAKE A  
CHANGE!

# How we have supported staff

- ▶ RRSA strategic lead and team offer CPD and support to individual schools when requested
- ▶ Development officer has produced a leaflet on meaningful participation which has been shared with all teachers (image in next slide)
- ▶ Sharing of practice through RRSA newsletter Abernet and Glow Group
- ▶ Development of our own award to ensure that schools who don't get involved in RRSA have plans in place to deliver same outcomes
- ▶ Input at Aberdeen Learning Festival
- ▶ Survey Monkey to audit practice





# What our young people think of progress so far

- ▶ Update from Imagineers
- ▶ Update from schools





**'We are the Imagineers!'**



Stop bullying

Smoking and alcohol

Help more people

How we are talked to

How people see us

Clean up dog poo

Fighting

Cleaner streets

and more street lights

Make kinder communities

Make schools more joyful

by asking children what they think

Better drivers so safer roads



'These are things that still need changed in Aberdeen!'

# Next Steps

- Continue to engage with Children's Parliament and RRSA
- Role out Ideas Hub
- Year of Young People - Young Ambassadors
- Participation Charter with partners
- Unicef Childs Rights Partners - 3-5 year programme of engagement





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# Teas & coffees

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# Table discussion identifying key points and questions for the panel

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# Panel discussion with all speakers

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# Closing remarks

**Professor Kay Tisdall**  
**Centre for Research on Families and Relationships**  
**(CRFR), University of Edinburgh**

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# Thank you!

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