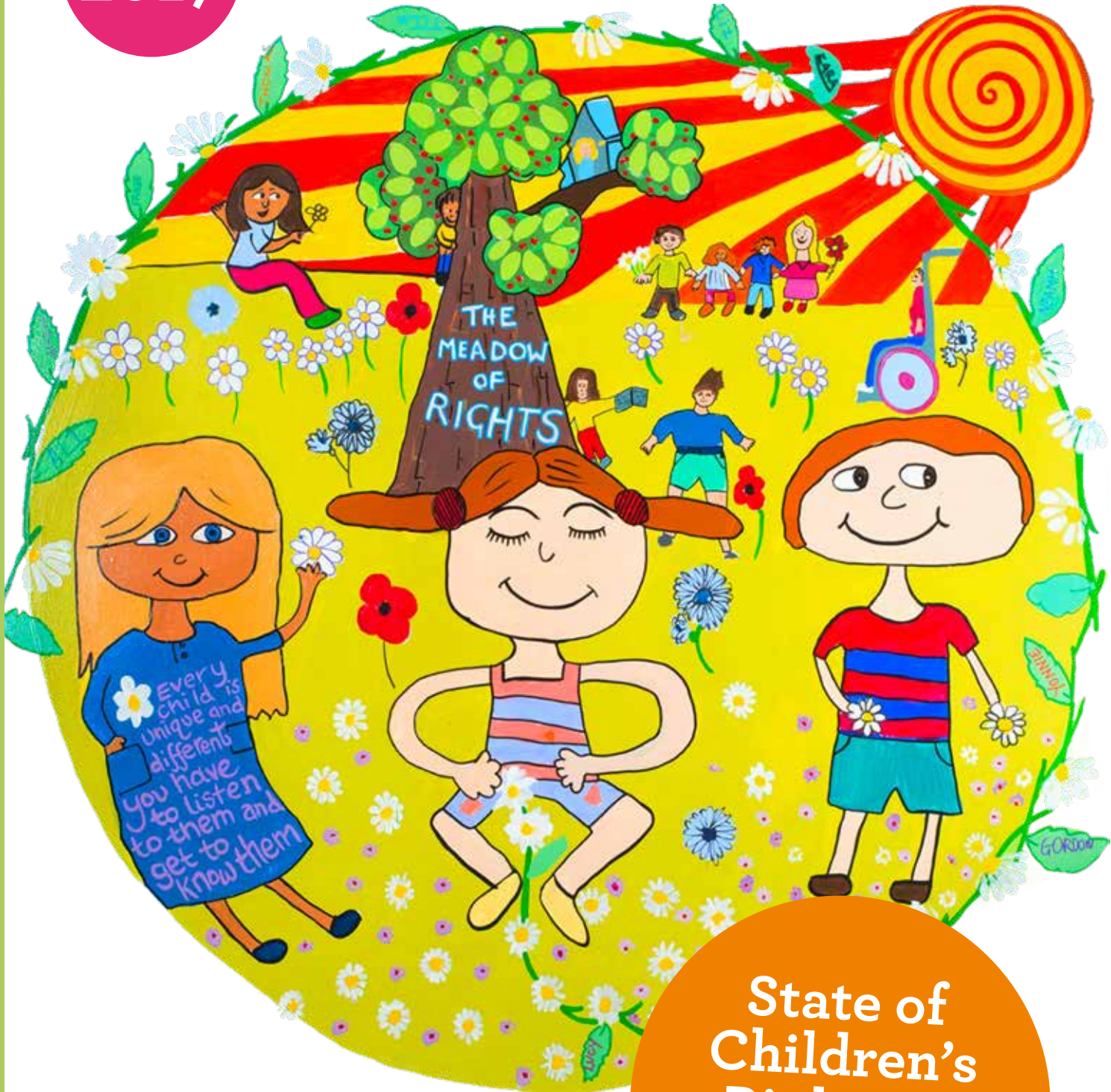


December

2017



# State of Children's Rights in Scotland

by Together

## About Together

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Together (Scottish Alliance for Children's Rights) is an alliance of over 370 children's organisations, academics and interested professionals. Our vision is that the rights of all children in Scotland are protected, respected and fulfilled, as enshrined in the UN Convention on the Rights of the Child (UNCRC) and other human rights conventions. To achieve this, we work with our membership, stakeholders and duty bearers to progress and achieve the realisation of children's rights in all areas of society.

## Glossary of Terms

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<b>ADHD</b> – Attention-Deficit Hyperactivity Disorder	<b>ICESCR</b> – International Covenant on Economic, Social and Cultural Rights
<b>ASN</b> – Additional Support Needs	<b>ICT</b> – Information and Communication Technology
<b>BME</b> – Black and Minority Ethnic	<b>JCHR</b> – Joint Committee on Human Rights
<b>BSL</b> – British Sign Language	<b>LGBTI</b> – Lesbian, Gay, Bisexual, Transgender and Intersex
<b>CAMH</b> – Child and Adolescent Health	<b>LGBTQ</b> – Lesbian, Gay, Bisexual, Transgender and Queer
<b>CEDAW</b> – Convention on the Elimination of All Forms of Discrimination Against Women	<b>MSYP</b> – Member of the Scottish Youth Parliament
<b>CELCIS</b> – Centre of Excellence for Looked After Children in Scotland	<b>NGO</b> – refers to non-governmental organisations in Scotland unless otherwise stated
<b>CERD</b> – Committee on the Elimination of Racial Discrimination	<b>NHS</b> – National Health Service
<b>CESCR</b> – Committee on Economic, Social and Cultural Rights	<b>NSPCC</b> – National Society for the Prevention of Cruelty to Children
<b>Child/children</b> – refers to those under 18 unless otherwise stated	<b>PVG</b> – Protection of Vulnerable Groups
<b>Children's organisations</b> – refers to non-governmental organisations in Scotland unless otherwise stated	<b>RCPCH</b> – Royal College of Paediatrics and Child Health
<b>CoSLA</b> – Convention of Scottish Local Authorities	<b>RSPH</b> – Relationships, Sexual Health and Parenthood
<b>CRWIA</b> – Child Rights and Wellbeing Impact Assessment	<b>SCJC</b> – Scottish Civil Justice Council
<b>CY CJ</b> – Centre for Youth & Criminal Justice	<b>SCLC</b> – Scottish Child Law Centre
<b>CYPCS</b> – Children and Young People's Commissioner for Scotland	<b>SCQF</b> – Scottish Credit and Qualifications Framework
<b>DLA</b> – Disability Living Allowance	<b>SCRA</b> – Scottish Children's Reporter Administration
<b>ECHR</b> – European Convention on Human Rights	<b>SEPA</b> – Scottish Environment Protection Agency
<b>EHRC</b> – Equality and Human Rights Commission	<b>SHRC</b> – Scottish Human Rights Commission
<b>EQIA</b> – Equality Impact Assessment	<b>SIMD</b> – Scottish Index of Multiple Deprivation
<b>EU</b> – European Union	<b>SNAP</b> – Scotland's National Action Plan on Human Rights
<b>FGM</b> – Female Genital Mutilation	<b>SPA</b> – Scottish Police Authority
<b>FOI</b> – Freedom of Information	<b>SSSC</b> – Scottish Social Services Council
<b>GIRFEC</b> – Getting It Right For Every Child	<b>SYP</b> – Scottish Youth Parliament
<b>HBV</b> – Honour-Based Violence	<b>UASC</b> – Unaccompanied Asylum Seeking Children
<b>HMP &amp; YOI</b> – Her Majesty's Prison and Young Offender Institution	<b>UN Committee</b> – United Nations Committee on the Rights of the Child
<b>HMYOI</b> – Her Majesty's Young Offender Institution	<b>UNCRC</b> – United Nations Convention on the Rights of the Child
<b>HRA</b> – Human Rights Act 1998	<b>UNCRPD</b> – United Nations Convention on the Rights of Persons with Disabilities
<b>Human Rights Committee</b> – the Committee that monitors implementation of the International Covenant on Civil and Political Rights	<b>UNICEF</b> – United Nations Children's Fund
<b>ICERD</b> – International Convention on the Elimination of All Forms of Racial Discrimination	<b>UPR</b> – Universal Periodic Review

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## Artwork

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The artwork used throughout this report was created by the pupils of Sciennes Primary School, Edinburgh. Their pictures show children's and young people's perspectives of the UNCRC in law, policy and practice, highlighted through the 'UNCRC in Scotland' seminar series. These seminars were held in partnership between Together, 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 and was funded by the Scottish Universities Insight Institute (SUII). Thanks go to the children and young people involved and to SUII for funding the work.

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Living  
+  
Breathing  
=  
Rights

ALMA

# Executive Summary

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## Background

The *State of Children's Rights* report 2017 sets out promising child rights-based practice taken by public bodies across Scotland. Specifically, it consists of a wide range of case studies from our members that illustrate how a rights-based approach can make a significant difference to children and young people's lives and improve the quality and effectiveness of public services. The report should act as an inspirational and encouraging tool for public bodies to draw from when exploring how to embed children and young people's rights into their own policy and practice.

The report was compiled and produced by Together following wide consultation with our members across Scotland. As in previous years, the research process has been rigorous, starting with a review of Children Services Plans, produced by local authorities as part of the new Part 3 duties included in the Children and Young People (Scotland) Act 2014. This research identified areas for further desk research, through which we drew from evidence submitted throughout the year by our membership, published in our online resource library and e-newsletter. Further consultation took place throughout the summer through our annual *State of Children's Rights* survey, and with specific member organisations and support from a range of public bodies who helped to draft and edit the final report.

## The UN Convention on the Rights of the Child

The UK Government ratified the UNCRC in 1991. The UNCRC is an international treaty that sets out specific human rights for children and young people up to the age of 18 years-old. It reflects the particular needs, vulnerabilities and potential of children and includes a broad range of rights from the right to play, the right to be listened to and take part in decisions, through to the right not to be separated from their parents, unless it is in a child's best interests. The UNCRC is clear that all children should enjoy all of their rights without discrimination on grounds such as disability, sex, ethnicity, age, religion or sexual orientation.

In ratifying the UNCRC, the UK committed all areas of government to do all they can to fulfil children's human rights. This includes UK and Scottish Government through to public bodies including local authorities, health services, criminal justice institutions and schools. The UN Committee has responsibility for overseeing compliance with the UNCRC and takes evidence regarding implementation in the UK approximately every 5 years.

The UNCRC is the only international human rights treaty which specifically gives non-governmental organisations (NGOs) such as Together a role in monitoring its implementation. Together works closely with its sister organisations in England, Wales and Northern Ireland to fulfil this role.

## General Comments

The UN Committee also produces a wide range of commentary to guide Governments in their efforts to realise children and young people's rights. This commentary is set out in documents known as 'General Comments' and covers issues such as children's participation, adolescent health, protecting children from violence and abuse and establishing children's best interests. The *State of Children's Rights* report 2017 refers to these General Comments to enable public bodies to quickly and easily learn more about specific areas of children and young people's rights.

## UNCRC reporting and the 2016 Concluding Observations

The UN Committee last examined the Scottish and UK Government's progress in implementing the UNCRC in 2016. This examination was informed by Together, the Children and Young People's Commissioner for Scotland and, most importantly, by children and young people themselves. Prior to the examination, members of the Scottish Youth Parliament hosted a visit to Scotland by the Vice Chair of the UN Committee, Amal Aldoseri. This visit provided an exciting and important opportunity for children, young people and a number of Together's members to talk to Ms Aldoseri about the day-to-day realities of children and young people's lives and their experience of growing up in Scotland. Further meetings were held in Geneva between the UN Committee, Together, members of the Scottish Youth Parliament, the Children and Young People's Commissioner for Scotland and the Scottish Human Rights Commission.

Following on from the examination, the UN Committee made a series of 150 recommendations (known as Concluding Observations) to set out where the UK – including Scotland – was falling short. Each of these recommendations was examined in detail in Together's *State of Children's Rights* report 2016, which reflected on areas where progress is being made to further children and young people's rights in Scotland. The *State of Children's Rights* report 2017 also refers to these recommendations to highlight to public bodies where further efforts are needed.

## Other treaty bodies and the Universal Periodic Review

The UK is also signatory to six other United Nations human rights treaties, including the International Covenants on Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights (ICESCR), as well as conventions against torture (CAT), racial discrimination (ICERD), discrimination against women (CEDAW) and the rights of persons with disabilities (UNCRPD). In addition to reviews from specific treaty bodies, an overarching review of the UK's human rights record takes place every five years through the Universal Periodic Review (UPR). Through this process, UN member states make recommendations relating to the UK's human rights record, many of which concern children and young people's rights. Recommendations from the last UPR cycle in 2017 are included throughout the *State of Children's Rights* report 2017.

## Children and Young People (Scotland) Act 2014

Part 1 of the 2014 Act places a duty on a range of public bodies to report, as soon as practicable after the end of each three-year period, on the steps they have taken to better secure, or give further effect to, the 'requirements' under the UNCRC. These public bodies are listed in Appendix 1. Part 3 of the 2014 Act relates to children's services planning, placing duties on a range of public bodies to ensure that the local planning and delivery of services is integrated and dedicated to safeguarding, supporting, and promoting child wellbeing. Both sets of duties commenced in April 2017 and the first children's rights reports are to be published in 2020.

Taking a rights-based approach will help public bodies to meet this new duty. A children's rights-based approach is a principled and practical framework for working with children and young people, grounded in the UNCRC and other international human rights conventions. It is about placing the UNCRC at the heart of planning and service delivery and integrating children and young people's rights into every aspect of decision-making, policy and practice. If implemented well, the duty offers a significant opportunity to embed children and young people's rights into the delivery of public services. To support public bodies in fulfilling the new duty, Scottish Ministers have published non-statutory guidance. This is the Guidance on Part 1, Section 2 (Duties of Public Authorities in relation to the UNCRC) of the Children and Young People (Scotland) Act 2014.

### Report structure

There is no specific list of indicators against which progress in implementing the UNCRC can be measured. However, through its reporting structure, Concluding Observations and General Comments, the UN Committee has set out what is required by the UNCRC and what human rights mean for different areas of children and young people's lives. This sets out the cluster areas of the UNCRC which are: general measures of implementation; general principles; civil rights and freedoms; violence against children; family environment and alternative care; disability, basic health and welfare; education, leisure and cultural activities; and special protection measures.

The Guidance on Part 1 includes a Framework for Children's Rights Reporting which takes a child rights-based approach using these UNCRC 'cluster areas', accompanied by 'reflective statements'. The *State of Children's Rights* report 2017 uses this framework as a structure to showcase promising rights-based practice within education, health, social work and juvenile justice. Whereas this report focuses solely on case study examples, the Guidance on Part 1 is clear that the 2020 reports from public bodies could also include:

- high level statements of ambition and intent relating to the UNCRC;
- baseline information about the population and situation of children and young people;
- analysis of changes over time and monitoring of progress relating to the public authorities' responsibilities in realising children's rights;
- areas where children's rights have not progressed and there are gaps and where improvements are required;
- examples of effective practice, and
- what is to be done by whom and when as a result of the report.

## Key Findings

### General measures of implementation

This cluster area focuses on ensuring governments have structures and systems in place to respect and realise children's rights. The UN Committee is clear that responsibility for realising children's rights should be co-ordinated across the whole of government, and not just limited to departments with an obvious impact on children. Implementing the Convention also requires raising awareness of children's rights and ensuring that rights-based training is provided for all those working with and for children. The chapter explores case studies on: the Care Inspectorate's child-rights based approach to inspecting child services; West Dunbartonshire's Y Sort It project for children at risk of social exclusion; Dumfries and Galloway Council's Year of Young People Plan 2018 which grew out of widespread consultation with young people and focuses on broadening participation; and the work Police Scotland have been doing with Young Scot and Youthlink on a Youth Advisory Panel.

### General principles

The General Principles are crucial in understanding how to fully implement the UNCRC. They provide the means by which the other articles of the UNCRC are interpreted and achieved. In line with the indivisibility principle of human rights, each of the general principles must be considered when reading the other provisions of the Convention. This chapter explores case studies of several local projects taking forward the general principles of the UNCRC including: Bannockburn Primary's "Reading with Dogs" project which helps children develop their reading skills and lessen attainment gaps; Aberdeenshire Council's #ABZYAP event which sought to increase youth engagement and participation; Skill's Development Scotland's 16+ Data Hub which monitors the education and employment status of 16-24 year olds paying attention to those from marginalised groups; and the Children and Young People's Service run in partnership by Children 1st and Moray Council which provides children with independent and confidential advice. Other case studies include: the Highland CHAMPS council which provides a platform for care experienced young people to make their views and needs known to their Corporate Parents; Argyll and Bute Council's consultation work with children and young people for their Children's Services Plan 2017-2020; the revision of the Form F9 which allows a child to have their views heard in court proceedings; and work that the Scottish Qualification Authority has undertaken to ensure their services are fully inclusive for care experienced young people.

## **Civil rights and freedoms**

This cluster area focuses on children and young people's civil rights and freedoms. This includes their right to move freely in public space and to meet with others, to think and believe what they like, to access information and speak their mind (as long it is not harmful to others) to keep personal matters and communications private and their right to be protected from inhumane or degrading treatment. Examples of public bodies taking steps to further children's rights highlighted in this chapter include the Scottish Youth Parliament's campaign to end the use of mosquito devices; guidance on information sharing produced by GIRFEC Ayrshire; Police Scotland's Code of Practice on Stop and Search; and the development of digital exam papers by the Scottish Qualifications Authority.

## **Violence against children**

This cluster area focuses on situations where children experience violence, including physical and mental violence, abuse and neglect, maltreatment and exploitation including sexual abuse. The articles included set out the right of children to services which support their physical and psychological recovery and emphasise that children should not be subjected to torture or to other cruel, inhuman or degrading treatment or punishment including physical or corporal punishment. They also include the right of every child to protection from being hurt and mistreated, physically or mentally and outline special help for children who have been neglected, abused or exploited. The case studies in this chapter look at: the holistic care provided at the Good Shepherd Centre in Renfrewshire for young people who have experienced violence and neglect; best practice when involving children in court decisions around domestic abuse; the use of Communication Passports for children with a disability that reduces the need for restraint; and workforce training across City of Edinburgh Council to raise awareness and understanding of honour-based violence.

## **Family environment and alternative care**

This cluster area focuses on the right of every child to enjoy a supportive, nurturing home environment regardless of their circumstances. It sets out the support parents should have to bring up their children; the right of children to not be separated from parents unless this is in their best interests; the right of children to be well cared for where they live apart from their parents; the right of a child to maintain contact with both parents if that is in their best interests; and the right of a child to have a say when decisions are made about where they should live. The case studies in this chapter explore: a project in Fife that listens and acts on the views of younger looked after children; the approach of the first Rights Respecting Children's Unit in Inverclyde; ways to support care leavers through the East Lothian Champions Board; access to parental support services in West Dunbartonshire; workforce training on families of prisoners across Glasgow; an e-learning module for Corporate Parents; and the impact of access to high-quality independent advocacy services for Looked After Children undergoing a placement review.

## **Disability, basic health and welfare**

This cluster area focuses on the health and welfare of all children and the rights of disabled children. All children should have the best possible standard of health, including access to relevant health services. There should be a focus on the determinants of children's health, including mental and emotional health. Under Articles 26 and 27, where families do not have enough to live on, children have a right to financial support from the Government to meet their basic needs. The case studies in this chapter explore: efforts by North Lanarkshire Council to tackle period poverty; Aberdeenshire Council's Mental Health and Wellbeing Strategy; NHS Health Boards undertaking an LGBT Charter; a programme to support children and young people with long-term health conditions being run in Edinburgh; the development of a Community Nurse post by Charlie House and NHS Grampian; and projects which benefit children in the early years and their families supported by East Lothian Council.

## **Education, leisure and culture**

This cluster area focuses on the right of every child to an education that will help them achieve their potential. The UNCRC is clear that education should be child-centred and empowering and strengthen their capacity to enjoy the full range of children's human rights, including their right to express their views and participate in all aspects of their education. The case studies in this chapter explore: the success of the Rights Respecting Schools Award in a secondary school in Glasgow; a strong anti-bullying policy that has impacted on the number of reported incidents of bullying based on race or ethnicity in Angus' schools; the creation of North Ayrshire's Communication Champions network which supports parents and schools to develop children's speech and language skills; the delivery of outdoor play and transport spaces after consultation with children in East Renfrewshire; and Creative Scotland's accessible and inclusive arts programme delivered across island communities in Na h-Eileanan Siar.

## **Special protection measures**

This cluster area sets out the rights of vulnerable and marginalised children who require special protection. This includes children who are in custody or detention, who are migrants, refugees or asylum seekers or who are victims of torture, trafficking, sexual exploitation, drug abuse and child labour. These are often the children who are most at risk of having their rights ignored or infringed. This chapter highlights case studies including: a family keywork service for refugee families managed by the Scottish Refugee Council and supported by Glasgow City Council; the Stop to Listen programme which is taking place across four local authorities; the IMPACT programme which involves a partnership with Police Scotland that aims to keep young offenders out of the criminal justice system; and work around trauma, bereavement and loss supported by the Scottish Prison Service at Her Majesty's Youth Offender's Institution Polmont.





## Introduction

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Together (Scottish Alliance for Children's Rights) works to ensure the rights of all children and young people are protected, respected and fulfilled, as enshrined in the UN Convention on the Rights of the Child (UNCRC) and other human rights conventions. Our membership includes leading national and international non-governmental organisations alongside local playgroups, parents' associations and academics and has grown from 342 to 382 members in the past year. All our members share a commitment to progress children and young people's human rights across public bodies, including in schools and hospitals through to community planning, transport and the environment.

Human rights – including children and young people's rights – are binding on government and on public bodies at all levels in Scotland. They provide a strong framework for planning, decision-making and practice. Children and young people must be able to access and exercise their rights, as set out in the UNCRC and other international human rights conventions. Children and young people's rights are not optional – they are entitlements. As such, legislation, policy and practice in Scotland should be underpinned by the UN Convention on the Rights of the Child and other international human rights conventions.

Our *State of Children's Rights 2017* report sets out promising rights-based practice taken by public bodies across Scotland. The report consists of a wide range of case studies from our members that illustrate how a rights-based approach can make a significant difference to children and young people's lives and improve the quality and effectiveness of public services. The report should act as an inspirational and encouraging tool for public bodies to draw from when exploring how to embed children and young people's rights into their own policy and practice.

The report is timely, as the Children and Young People (Scotland) Act 2014 establishes duties on Scottish Ministers and public bodies to contribute toward the realisation of children and young people's rights. These duties include one placed on a range of public bodies – including local authorities and health boards – to report every three years on the steps taken to further children and young people's rights. The duty commenced in April 2017 and the first reports are to be published in 2020.

Taking a rights-based approach will help public bodies to meet this new duty. A children's rights-based approach is a principled and practical framework for working with children and young people, grounded in the UNCRC and other international human rights conventions. It is about placing the UNCRC at the heart of planning and service delivery and integrating children and young people's rights into every aspect of decision-making, policy and practice. If implemented well, the duty offers a significant opportunity to embed children and young people's rights into the delivery of public services.

To support public bodies in fulfilling the new duty, Scottish Ministers have published non-statutory guidance. This is the Guidance on Part 1, Section 2 (Duties of Public Authorities in relation to the UNCRC) of the Children and Young People (Scotland) Act 2014. It includes a Framework for Children's Rights Reporting which takes a child rights-based approach using the UNCRC 'cluster areas', accompanied by 'reflective statements'. *The State of Children's Rights* report 2017 uses this framework to showcase promising rights-based practice within education, health, social work and juvenile justice. The report highlights how involving children and young people in planning and evaluation can help to improve and enhance local services.

Public bodies can also draw from the expertise of the UN Committee on the Rights of the Child. The UN Committee is a group of experts responsible for monitoring the implementation of the UNCRC, which regularly reviews and assesses the progress made to realise children and young people's rights across the world. The Committee last reviewed Scotland in 2016, as part of the UK, and made a series of recommendations as to how implementation of the UNCRC could be improved. The recommendations (referred to as 'Concluding Observations') were informed by the views and experiences of children and young people across Scotland, some of whom spoke directly to members of the UN Committee. *The State of Children's Rights* report 2017 repeatedly refers to these recommendations to highlight to public bodies where further efforts are needed to protect, respect and fulfil children and young people's rights in Scotland.

The Committee also produces a wide range of commentary to guide Governments in their efforts to realise children and young people's rights. This commentary is set out in documents known as 'General Comments' and covers issues such as children's participation, adolescent health, protecting children from violence and abuse and establishing children's best interests. Again, the *State of Children's Rights* report 2017 refers to these General Comments to enable public bodies to quickly and easily learn more about specific areas of children and young people's rights.

As the UN Committee recognised in its examination, real progress has been made to improve the realisation of children's rights across Scotland. Following on from this, the Scottish Government's Programme for Government 2017-18 included welcome commitments to take forward some of the UN Committee's recommendations, including giving children equal protection from violence, raising the age of criminal responsibility to 12 years old and exploring the option of incorporating the UNCRC into Scots law. However, much more still needs to be done.

Public bodies will play a key role in addressing the many challenges ahead, such as tackling child poverty and the educational attainment gap, and mitigating the impact of austerity and Brexit. To overcome these challenges there needs to be a genuine commitment to taking a rights-based approach among all those working with and for children and young people. This *State of Children's Rights* report sets out the promising approaches we have already seen, in the hope and expectation that it will inspire similar work across Scotland to ensure the rights of all children and young people are protected, respected and fulfilled, at all times.



Chapter

**1**

# General Measures of Implementation

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# 1. General Measures of Implementation

## Introduction

These articles focus on ensuring governments have structures and systems in place to respect and realise children's rights. The UN Committee is clear that responsibility for realising children's rights should be co-ordinated across the whole of government, and not just limited to departments with an obvious impact on children. Implementing the Convention also requires raising awareness of children's rights and ensuring that rights-based training is provided for all those working with and for children:

- Article 4: implementation of the UNCRC
- Article 41: respect for higher national standards
- Article 42: knowledge of rights
- Article 44(6): reporting on UNCRC implementation.

## International recommendations

The UN Committee on the Rights of the Child has made several recommendations regarding the implementation of the UNCRC. In 2016, the Committee stated that the UK should speed up bringing the principles and provisions of the Convention into domestic law<sup>1</sup> and that the UK should become party to the Optional Protocol to the Convention on a Communications Procedure.<sup>2</sup> The Optional Protocol allows children whose rights have been violated to bring a complaint directly to the UNCRC Committee where they have not found a solution at national level. The Committee has also recommended that the UK allocate the maximum possible resources to promoting children's rights.<sup>3</sup> As part of this, a child rights-based approach should be taken to public budget decisions.<sup>4</sup> When new laws and policies affecting children are being developed, the Committee has urged that the use of child rights impact assessments is made compulsory.<sup>5</sup>

## Guidance from the UN Committee

The following general comments from the UN Committee set out best practice on how to take these areas of work forward:

- General Comment 2: *The Role of Independent National Human Rights Institutions*<sup>6</sup>
- General Comment 5: *General Measures of Implementation*<sup>7</sup>
- General Comment 16: *State Obligations Regarding Business and Children's Rights*<sup>8</sup>
- General Comment 19: *Public Budgeting for the Realisation of Children's Rights*<sup>9</sup>

## National overview

The Children and Young People (Scotland) Act 2014 places a duty on Scottish Ministers to consider whether further steps are needed to secure children's rights and, where appropriate, take the steps identified. Scottish Ministers and public bodies are under a duty to report every three years on what steps they have taken to further children's rights.<sup>10</sup> Whilst the 2014 Act does not make UNCRC rights enforceable in Scottish courts, it is a welcome first step and helps mainstream children's rights into decision making. Child Rights and Wellbeing Impact Assessments (CROWIAs) have been used by Scottish Ministers as part of implementing their duties under the 2014 Act and have helped increase the consideration of children's rights when developing new laws and policies.

Despite the above, there remains no specific remedy for children in Scotland whose UNCRC rights have been violated. In the absence of UK Government plans to accede to the Optional Protocol, children find it difficult to challenge violations of their UNCRC rights unless their European Convention on Human Rights (ECHR) rights have also been breached. This is a further area of concern as the Conservative Manifesto 2017 noted that whilst there are no immediate plans to repeal the Human Rights Act, this may be reconsidered once Brexit is complete.<sup>11</sup>

<sup>1</sup> CRC/C/GBR/CO/5: Para: 7(a).

<sup>2</sup> CRC/C/GBR/CO/5: Para: 88.

<sup>3</sup> CRC/C/GBR/CO/5: Para: 9.

<sup>4</sup> CRC/C/GBR/CO/5: Paras: 13(a),(b),(c),(d),(e).

<sup>5</sup> CRC/C/GBR/CO/5: Paras: 10(a),(b).

<sup>6</sup> UN Committee on the Rights of the Child (2002). *General Comment 2: The Role of Independent National Human Rights Institutions*. <http://bit.ly/2BdMPDI> [Date accessed: 16.11.17].

<sup>7</sup> UN Committee on the Rights of the Child (2003). *General Comment 5: General Measures of Implementation*. <http://bit.ly/2BdHIII> [Date accessed: 16.11.17].

<sup>8</sup> UN Committee on the Rights of the Child (2013). *General Comment 16: State Obligations Regarding Business and Children's Rights*. <http://bit.ly/2BdHmfK> [Date accessed: 16.11.17].

<sup>9</sup> UN Committee on the Rights of the Child (2016). *General Comment 19: Public Budgeting for the Realisation of Children's Rights*. <http://bit.ly/2BdHn3i> [Date accessed: 16.11.17].

<sup>10</sup> Part 1. *Children and Young People (Scotland) Act 2014*. <http://bit.ly/2e6Puak> [Date accessed: 15.11.17].

<sup>11</sup> *Conservative and Unionist Party (2017). Manifesto 2017 Forward Together: Our Plan for a Stronger Britain and a Prosperous Future*, p.37. <http://bit.ly/2mXQm5H> [Date accessed: 16.11.17].

In Scotland, the Programme for Government 2017-18 gives some hope for securing children's rights in the future. It sets out further steps that the Scottish Government intends to take to progress children's rights. As part of this process, the Government shall undertake an audit of effective ways to further embed the principles of the UNCRC into policy and legislation, as well as explore the possibility of full incorporation. The Programme also includes a commitment to oppose any attempts to undermine the Human Rights Act or withdraw from the ECHR, and ensure that Scotland keeps up with future human rights developments at EU level despite the UK's withdrawal from the EU.

### Case studies taking forward the general measures of implementation of the UNCRC

This chapter explores: the Care Inspectorate's child-rights based approach to inspecting child services; West Dunbartonshire's Y Sort It project for children at risk of social exclusion; Dumfries and Galloway Council's Year of Young People Plan 2018 which grew out of widespread consultation with young people and focuses on broadening participation; and the work Police Scotland have been doing with Young Scot and Youthlink on a Youth Advisory Panel.



We ensure that our visions and values promote the rights of the child and that these are reflected in all our public documents and statements (Article 4)

### Introduction

In 2016, the UN Committee called for structures to be established for the active and meaningful participation of children, and for their views to be given due weight in designing laws, policies, programmes and services at the local and national levels.<sup>12</sup> Public bodies should embed these structures into their services for children and young people, and assess them against the standards enshrined in the UNCRC.

### Care Inspectorate Joint Inspections Guidance

The Care Inspectorate conducts joint inspections with other regulators to check how well different care organisations are working to support young people. Scottish Ministers asked the Care Inspectorate to develop a new model for scrutinising and improving services for children and young people. As part of this process, two publications were produced: a Joint Inspections Handbook to be used by inspectors, and a Self-Evaluation Guide aimed at assisting service providers.

The Joint Inspections Handbook provides a summary of the inspections process. It sets out quality indicators against which services will be assessed. One of the key indicators is the extent to which children are involved in decision making and how effective the service is at obtaining children's views and taking them into account.<sup>13</sup> The Handbook provides a list of seven factors which the inspector must consider before reaching a conclusion. These include the extent to which there is evidence that the child has been invited to participate, as well as evidence that they have in fact participated (for example completed worksheets). Additional factors include whether sufficient advocacy support has been provided and the extent to which service staff have used innovative methods to communicate with children and obtain their views. These innovative methods should be sensitive to the child's age, stage and communication needs.<sup>14</sup> The Handbook provides marking criteria to assist the inspector in rating the service's performance based on these factors. These explain where the service should be rated on a six-point scale from "unsatisfactory" to "excellent".<sup>15</sup>

A further quality indicator included in the Handbook is the extent to which children and young people are supported to understand and exercise their rights.<sup>16</sup> Factors to be considered here are the provision of independent advocacy to assist children's understanding of their rights and that the child has not only been informed about their rights but also encouraged to exercise them. Additional factors relate to supporting children in expressing views about the services they receive, and informing them on how to make any complaints with support provided to do so where necessary. Again, the Handbook provides inspectors with marking criteria based upon these factors.<sup>17</sup>

The Handbook further emphasises the importance of wellbeing indicators and provides illustrations of these. For example, under "respect" it states that children need to learn about their rights and how to exercise these and that their views must be taken seriously.

The Self-Evaluation Guide is aimed at service providers rather than inspectors. It takes the quality indicators from the Handbook and presents these as a framework against which service providers can assess their own performance.

***[The Self-Evaluation Guide] places the child at the centre and is applicable to the full range of services which contribute to the wellbeing of all children, young people and their families. – Care Inspectorate***

- [View the Care Inspectorate's Joint Inspections Handbook<sup>18</sup>](#)
- [View the Care Inspectorate's Self-evaluation Guide for service providers<sup>19</sup>](#)

<sup>12</sup> CRC/C/GBR/CO/5: Para: 31(a).

<sup>13</sup> Care Inspectorate (2016). *Inspection handbook 2016/17: Joint inspection of services for children and young people*, p.45. <http://bit.ly/2BbjN7s> [Date accessed: 16.11.17].

<sup>14</sup> *Ibid*, p.79.

<sup>15</sup> *Ibid*, p.80.

<sup>16</sup> *Ibid*, p.82.

<sup>17</sup> *Ibid*, p.80.

<sup>18</sup> Care Inspectorate (2016). *Inspection handbook 2016/17: Joint inspection of services for children and young people*, p.96. <http://bit.ly/2BbjN7s> [Date accessed: 16.11.17].

<sup>19</sup> Care Inspectorate (2014). *How well are we improving the lives of children and young people?: A guide to evaluating services using quality indicators*. <http://bit.ly/2ArYUbb> [Date accessed: 16.11.17].

## West Dunbartonshire Community Planning Partnership with Y Sort It

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With reference to policy and service delivery, we take our commitment to children's rights into account in decisions on resource allocation (Article 4).

### Introduction

The UN Committee made a detailed recommendation in 2016 about allocating the maximum available resources to implement children's rights.<sup>20</sup> This recommendation includes financial resources (ensuring projects which uphold children's rights are well funded) as well as other resources (ensuring there are well-trained staff such as Children's Rights Officers). There are a range of projects across Scotland, like the case study below, which are funded by local authorities and other public bodies to support children and young people to access their rights. Projects like these empower children and young people to be involved in decisions about where resources are allocated so the rights and needs of the local community are met.

### Supporting children and young people at risk of social exclusion

Y Sort It is a project which provides a range of services for 10-25-year olds at risk of social exclusion in West Dunbartonshire area. The organisation's management board is made up of children and young people, whose experiences reflect the diverse needs met through Y Sort It's services. There are three junior places for 12-15 year-olds and a maximum of 12 places for ordinary members, aged between 16-26 years old.

Since Y Sort It first began in 1999, the main funding source has been the West Dunbartonshire Community Planning Partnership (WDCPP). This funding covers the cost of core services including staffing and project costs.

Y Sort It has a large youth centre in Clydebank which is where many of their services are provided. The centre provides a young person-friendly space for children, young people and families and includes a social space, a youth café, and an art room. There is free internet access and a range of youth groups and activities take place there. These include 'Y Hub It' which is a youth group aimed at 12-25-year olds and 'Team 16' which gives young people aged 16 and over the opportunity to receive help with community projects, fundraising events or training programmes which interest them.

Services are also delivered at the centre which are aimed at supporting particular groups of children and young people at risk of social or economic exclusion. 'Mums and Munchkins' is a weekly group which offers information, support and advice for young parents. There are also activities which help to improve parenting skills and workshops on health and wellbeing. 'Fusion LGBT Youth Group' supports young people who identify as LGBT and helps them with issues such as coming out, homophobia and health and wellbeing. There is a Young Carers service which provides one to one support, issue-based activities, an advocacy service, and opportunities to go on holiday breaks. This is the first specific service for young carers aged 12-18 in the area and it currently supports over 350 carers. A 'Buddy Up' Peer Mentoring scheme for care experienced young people provides trained peer mentors who have an understanding of issues faced by young people in care. Y Sort it also delivers an initiative called 'Wrecked and Wasted' which aims to raise awareness and change behaviour and attitudes about the dangers, health risks and social impact of alcohol and drug misuse. There is a #Freshcreations Youth Arts Hub which gives young people the opportunity to be creative across a range of art forms.

As well as the youth centre, Y Sort it provides outreach work to make sure their services are equally accessible to all children and young people in West Dunbartonshire, particularly those in more rural communities. This is delivered through the Mobile Information Cyber Station (MICS), a bus which has laptops for internet access, a room for one to one sessions, and space for workshops. The project engages and consults with children and young people through social media and social networking and young people can use MICS to talk to Y Sort it workers about a range of issues including mental health, relationships, and bullying.

The Care Inspectorate has praised the project for successfully supporting young people to achieve positive outcomes.

- *Find out more about Y Sort It.*<sup>21</sup>
- *Read the Care Inspectorate's report on Y Sort It.*<sup>22</sup>

<sup>20</sup> CRC/C/GBR/CO/5: Paras: 13.

<sup>21</sup> <http://bit.ly/2i2nw2w> [Date accessed: 16.11.17].

<sup>22</sup> Care Inspectorate (2017). *Services for children and young people in West Dunbartonshire*, p.37. <http://bit.ly/2BejicM> [Date accessed: 16.11.17].



## Dumfries and Galloway Council with the Year of Young People

We proactively consider children's rights in service planning, engaging with and undertaking consultation with relevant stakeholders (including children and young people and parents/carers) (Article 4)

### Introduction

In 2016 the UN Committee called on the UK to establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national levels. Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities<sup>23</sup>

Part 3 of the Children and Young People (Scotland) Act 2014 relates to children's services planning, placing duties on a range of public bodies to ensure that the local planning and delivery of services is integrated and dedicated to safeguarding, supporting and promoting child wellbeing. In 2016, Together's members suggested several ways in which the draft guidance accompanying Part 3 could be strengthened. These included the need to gather accurate and comprehensive baseline data against which public bodies could understand population needs and plan services effectively, the need to set out how training and development can promote a rights based approach across all services, and the need to ensure the participation of children from more vulnerable groups to inform implementation of the guidance.

### Young people taking the lead in planning – Dumfries and Galloway Year of Young People Plan

This plan sets out the activities, projects and events taking place in Dumfries and Galloway to celebrate the Year of Young People 2018. The Council aims to celebrate the contribution of young people to the community and help develop their skills.

To develop the plan, a strategic group was established and has been meeting since early 2017. This group includes young people from the region's Youth Steering Group, together with representatives from the Council and third sector organisations. The group is co-chaired by the same young person as chairs the Youth Steering Group.

***...significant consultation and engagement with wider stakeholders including young people took place to develop the plan.<sup>24</sup> – Dumfries and Galloway Council***

The contents of the Plan build upon a consultation with young people, aged 18-25 years-old, living in Dumfries and Galloway which was conducted during May-June 2017. This aimed to find out what youth opportunities and experiences they would like to see in the region as part of the Year of Young People. The consultation also provided an opportunity to discuss some of the key challenges faced by young people and barriers to participation. A variety of methods were used to gather children and young people's views which were sensitive to age and ability. These included a mobile youth centre, photo booths, team games and arts and crafts activities.

***It is important that young people are at the heart of everything we do for the year and to ensure young people are involved in all decisions and shape the plans for the year<sup>25</sup> – Dumfries and Galloway Council***

Objectives of the Plan include promoting the health and wellbeing of young people, encouraging young people to take the lead in challenging all forms of prejudice and discrimination, giving young people the chance to participate and influence decisions that affect their lives, and allowing young people to have more say in their education and learning.<sup>26</sup> The year's events are designed to promote each of these objectives, with certain events targeted towards those young people most in need.<sup>27</sup>

A signature event is the 10,000 Voices project. This is set to be Dumfries and Galloway's largest ever exercise to collect the views of young people aged 10-25 on issues affecting them and how they view their communities. The information gathered through the 10,000 Voices project shall be used to inform a 5-year strategic plan for young people's services across Dumfries and Galloway.

***The [10,000 voices] project will involve young people in every phase from the initial planning and development through to the delivery and subsequent analysis of the findings. – Dumfries and Galloway Council.***

- [View Dumfries and Galloway's Year of Young People Plan 2018.](#)<sup>28</sup>

<sup>23</sup> CRC/C/GBR/CO/5: Para: 31(a).

<sup>24</sup> Dumfries and Galloway Council (2017). *Our Dumfries and Galloway Plan: Year of Young People 2018*, p.4. <http://bit.ly/2BbjNnY> [Date accessed: 16.11.17].

<sup>25</sup> *Ibid*, p.7. <http://bit.ly/2BbjNnY> [Date accessed: 16.11.17].

<sup>26</sup> *Ibid*, p.5.

<sup>27</sup> *Ibid*, p.6.

<sup>28</sup> Dumfries and Galloway Council (2017). *Our Dumfries and Galloway Plan: Year of Young People 2018*. <http://bit.ly/2BdHqMw> [Date accessed: 16.11.17].

## Police Scotland with Young Scot and Youthlink

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We are committed to the implementation of UNCRC rights, through complying with rights provisions and duties within the 2014 Act and other relevant legislation and policy as identified (Article 4).

### Introduction

The Children and Young People (Scotland) Act 2014 places duties on public bodies to report every three years on what they have done to further the rights of children and young people.<sup>29</sup> This has led many public bodies to explore ways in which they can engage with children and young people to make sure their views are heard and taken into account. Highlighted below is an example of how Police Scotland used consultation with children and young people to inform the development of new policies following the introduction of the duties in the 2014 Act.

### Taking a rights-based approach to planning through Police Scotland's Youth Advisory Panel

Since the 2014 Act was introduced, Police Scotland has taken several steps to progress the rights of children and young people in their work, and ensure their new duties are taken forward meaningfully.

A Children and Young People Act Implementation Team was formed to provide a dedicated resource to considering how Police Scotland could support the rights and needs of children and young people. The Team works with Local Policing Divisions to find examples of best practice and share them across the organisation.

Police Scotland also formed the Children and Young People Business Area in 2016 to provide a greater focus on how services are provided to children and young people. A Police Scotland Youth Advisory Panel was created, bringing together young people from a cross-section of communities, with support from Young Scot and YouthLink. This panel guides Police Scotland's priorities from the perspective of children and young people, exploring the impact of the police, investigating how the police communicates and establishing what more can be done to improve relationships between Police Scotland and young people.

After consulting with the Youth Advisory Panel, Police Scotland published 'Children and Young People 2016/2020 – Our Approach' in 2016 which sets out their priorities for working with young people. Their five priorities are Safety and Protection, Engagement, Prevention, Victims and Witnesses, and Offending. The 2016/20 Approach will ensure that a rights-based approach is embedded across Police Scotland. Both the UNCRC and Getting It Right For Every Child are referred to in the approach and there is an emphasis on the rights of both victims and offenders to be treated fairly and to know their rights.

The five priorities outlined in the 2016/2020 Approach will link to an Action Plan that will direct Police Scotland's work over the next four years.

- View Police Scotland's document 'Children and Young People 2016/2020: Our Approach'.<sup>30</sup>

<sup>29</sup> Part 1. Children and Young People (Scotland) Act 2014. <http://bit.ly/2e6Puak> [Date accessed: 15.11.17].

<sup>30</sup> Police Scotland (2016). Children and Young People: 2016/2020 – Our Approach. <http://bit.ly/2Bb1r6F> [Date accessed: 16.11.17].



KEY  
SHAPING AND  
IMPLEMENTING  
IMPACT ASSESSMENT  
our blue print  
POSTS  
SEMINAR

STRATEGIC  
duty bankers  
important  
longitudinal data

MEETINGS  
POLICY EXPERT  
predict and monitor  
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BOARD ROOM

PROPOSED ACTION

BUREAU OF POLITICAL CORRECTNESS

ATTENTION ALL STAFF

DOCUMENTS PROTESTING

Duty Bankers

NO CHILDREN BEYOND THIS POINT

VIP ONLY

NO BALL GAMES

Chapter

2

# General Principles

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## 2. General Principles

### Introduction

The General Principles are crucial in understanding how to fully implement the UNCRC. They provide the means by which the other articles of the UNCRC are interpreted and achieved. In line with the indivisibility principle of human rights, each of the general principles must be considered when reading the other provisions of the Convention.

- Article 2: non-discrimination
- Article 3: best interests of the child
- Article 6: life, survival and development
- Article 12: respect for the views of the child.

### International recommendations

The UN Committee on the Rights of the Child, other treaty bodies and the 2017 Universal Periodic Review (UPR) have made many recommendations for furthering the General Principles of the UNCRC. Some of these recommendations – such as preventing discrimination against children and young people<sup>31</sup>, considering the best interests of the child in planning and decision making<sup>32</sup>, and establishing structures for the active and meaningful participation of children in designing programmes and services<sup>33</sup> – are discussed in the case studies. Furthering the General Principles in Scotland requires public bodies to take a proactive approach to engaging children and improving their experiences.

### Guidance from the UN Committee

The following general comments from the UN Committee set out best practice on how to take these areas of work forward:

- General Comment 14: *Best Interests of the Child*<sup>34</sup>
- General Comment 12: *The Right of the Child to Be Heard*<sup>35</sup>

### National overview

In Scotland, public attitudes towards children and young people continue to be influenced by negative stereotypes. Although the situation has improved, there are still some areas where discriminatory attitudes are entrenched, such as towards Gypsy/Travellers, people with mental health problems, some particular minority ethnic groups and transgender people.<sup>36</sup>

Whilst the ‘best interests’ principle is found in some pieces of Scottish legislation, it is not found in them all nor is it always included in every policy or court decision affecting children.<sup>37</sup> The introduction of Child Rights and Wellbeing Impact Assessments is, however, a positive development here and encourages consideration of the best interests of the child when decisions are taken at national level.

There has been some progress at national level in relation to obtaining children’s views and taking them into account. The Children and Young People (Scotland) Act 2014 has introduced a provision that Scottish Ministers take account of the views of children when making decisions that may affect them.<sup>38</sup> However, Scottish Ministers have discretion as to what views they consider ‘appropriate’ and ‘relevant’. The Scottish Government has also taken steps to involve children in policy development.<sup>39</sup> Local organisations continue to take a leading role in developing participation programs and obtaining young people’s views.<sup>40</sup>

### Case studies taking forward the general principles of the UNCRC

This chapter explores several local projects taking forward the general principles of the UNCRC including: Bannockburn Primary’s “Reading with Dogs” project which helps children develop their reading skills and lessen attainment gaps; Aberdeenshire Council’s #ABZYAP event which sought to increase youth engagement and participation; Skill’s Development Scotland’s 16+ Data Hub which monitors the education and employment status of 16-24 year olds paying attention to those from marginalised groups; and the Children and Young People’s Service run in partnership by Children 1<sup>st</sup> and Moray Council which provides children with independent and confidential advice. Other case studies include: the Highland CHAMPS council which provides a platform for care experienced young people to make their views and needs known to their Corporate Parents; Argyll and Bute Council’s consultation work with children and young people for their Children’s Services Plan 2017-2020; the revision of the Form F9 which allows a child to have their views heard in court proceedings; and work that the Scottish Qualification Authority has undertaken to ensure their services are fully inclusive for care experienced young people.

<sup>31</sup> CRC/C/GBR/CO/5: Para 73(d) and CRC/C/GBR/CO/5: Para: 23.

<sup>32</sup> CRC/C/GBR/CO/5: Para: 27(a).

<sup>33</sup> CRC/C/GBR/CO/5: Para: 31(a).

<sup>34</sup> UN Committee on the Rights of the Child (2013). *General Comment 14: Best Interests of the Child*. <http://bit.ly/2A5qr17> [Date accessed: 16.11.17].

<sup>35</sup> UN Committee on the Rights of the Child (2009). *General Comment 12: The Right of the Child to Be Heard*. <http://bit.ly/2BdMnoS> [Date accessed: 16.11.17].

<sup>36</sup> Together (2016). *State of Children’s Rights report*, pp.30-33. <http://bit.ly/2BeiTag> [Date accessed: 17.11.2017]

<sup>37</sup> *Ibid.* pp.34

<sup>38</sup> Part 1, section 1(2). *Children and Young People (Scotland) Act 2014*. <http://bit.ly/2e6Puak> [Date accessed: 15.11.17].

<sup>39</sup> Together (2016). *State of Children’s Rights report*, pp.36. <http://bit.ly/2BeiTag> [Date accessed: 17.11.2017]

<sup>40</sup> *Ibid.* pp.37

## Stirling Council with Canine Concern Scotland

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We respect children and young people's rights to develop their full potential in early learning and childcare settings, school, home and community (Article 6)

### Introduction

There are significant gaps in early speech and language skills in Scotland.<sup>41</sup> Strong early language skills underpin children's achievement across the curriculum and are critical to children's future life chances in higher education and employment.<sup>42</sup> In 2016 the UN Committee called on the UK to enhance its efforts to guarantee the right of all children to a truly inclusive education.<sup>43</sup> The Committee further recommended increasing access to quality early childhood development services.<sup>44</sup>

### Creative approaches to supporting education – Bannockburn Primary's "Reading with Dogs"

Since 2015, Bannockburn Primary has been involved in an innovative pilot "Reading with Dogs" in a bid to support their pupil's education and wellbeing. The school has welcomed dogs Dylan and Scruffy on a weekly basis as part of a partnership between the school and charity, Canine Concern Scotland.

The two dogs have worked with over 20 pupils to develop their confidence and ability in reading by taking short sessions where youngsters read to the animals. Pupils report feeling less anxious and having more confidence in reading aloud.

*I love reading with the dogs because if I make a mistake, they don't judge me or try to correct me, they just let me read. It makes me feel calm and relaxed, and helps me to get better at reading out loud. – Pupil*

Teaching staff have also reported the significant positive impact the pilot has had on pupils.

*Increasing wellbeing and self-confidence in our learners here at Bannockburn Primary is an integral part of our journey towards closing the attainment gap. Being able to witness for myself the significant impact that this experience has made on our young learners is extremely rewarding. – Sacha Oates, Principal Teacher*

The pilot originally began in 2015 but has since been extended with pupils now being visited daily by a *therapet* to support learning across literacy, health and wellbeing. The project demonstrates how creative approaches can be used to support children's right to develop their full potential in schools.

Canine Concern Scotland has encouraged other schools to contact them in order to set up their own "Reading with Dogs" schemes.

- Find out more about Bannockburn Primary's "Reading with Dogs" scheme.<sup>45</sup>
- Find out more about Canine Concern Scotland's "Reading with Dogs" library and school services.<sup>46</sup>

<sup>41</sup> Save the Children (2015). *Ready to Read: Closing the gap in early language skills so that every child in Scotland can read well*. <http://bit.ly/2e6YrAq> [Date accessed: 16.11.2017]

<sup>42</sup> Save the Children (2014). *A fair start for every child: Why we must act now to tackle child poverty in Scotland*. <http://bit.ly/2jUTs9l> [Date accessed: 16.11.2017]

<sup>43</sup> CRC/C/GBR/CO/5: Para:72(a).

<sup>44</sup> CRC/C/GBR/CO/5: Para: 73(f).

<sup>45</sup> Stirling Council (2017). *Bannockburn Primary's innovative use of therapets sees pupils flourish*. <http://bit.ly/2BeiTXO> [Date accessed: 16.11.17].

<sup>46</sup> Canine Concern Scotland Trust (2017). *Reading with Dogs*. <http://bit.ly/2BeiVio> [Date accessed: 16.11.17].

## Aberdeenshire Council with various Together members

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We seek out and use examples of the best approaches to engaging with children and young people in order to support their right to have their voices heard (Article 12).

### Introduction

In 2016, the UN Committee recommended that structures should be established for the active and meaningful participation of children and young people, and that their views should be taken into account when designing laws, policies and services at both a local and national level.<sup>47</sup> Many local authorities have involved children and young people in the development of their Children's Services Plans. In doing this, they have also found innovative ways to involve children and young people, such as the event highlighted in the following case study.

### Involving children and young people in Children's Services Planning

In August 2017, Aberdeenshire Council hosted an event involving 130 children and young people as part of a Community Planning Partnership commitment in their Children's Services Plan to promote children and young people's rights. The aim of the day was to support increased youth engagement and participation, and the event programme was designed with the involvement of young people. Young people had the opportunity to take part on the day in various workshops on youth engagement, youth leadership, and active citizenship. There were also workshops held to raise awareness of Aberdeenshire Youth Council and the Scottish Youth Parliament.

Keynote speakers at the event were Aberdeenshire Council's Chief executive, a Global Youth Leader and the Children and Young People's Commissioner for Scotland. The day ended with a Q&A session with the Commissioner, the Chief Executive Leader of the Council, the Director for Education and Children's Services and a Police Scotland Superintendent. Young people got lanyards which had information on wellbeing and the Children's Services Plan, along with ways they can get involved in decision-making in their local communities. Many organisations who work with and for young people attended the event including YouthLink, YouthBank, Fixers, Quarriers, Aberdeenshire Voluntary Action and Young Scot.

A range of young people from Aberdeenshire secondary schools were identified with the support of an education officer who works to support children rights and participation. Efforts were made to ensure children from a diverse range of groups were represented at the event. For example, children with additional support needs were supported by school staff to attend. Members of Aberdeenshire's Young People's Organising and Campaigning Group (YPOC), for children and young people who are or who have been Looked After away from home, were involved and shared information on their campaigns. Community Learning and Development staff supported and transported young people to the event including those from the LGBT community, care experienced young people, and young people who have faced adverse childhood experiences. Several young carers attended the day. Two members of staff from the charity Article 12, which works with young people from the Gypsy/Traveller community, attended along with the Council's Gypsy/Traveller liaison officer, who led a discussion on Gypsy/Traveller rights, and will ensure Gypsy/Traveller young people have an input into the outcomes of the event.

At #ABZYAP, young people voted on ten statements to form the basis for developing Aberdeenshire Children and Young People's Charter. These statements were taken from children and young people's consultation feedback whilst developing the Aberdeenshire Children's Services Plan and all Community Planning Partners will be asked to endorse this Charter as a commitment to children's rights. Community Planning Partners include key organisations from the public, private and Third Sector who work together to develop and deliver better services in their area.

The event was also used to help launch 17 Youth Platforms which have been set up across the region, led by the Aberdeenshire Work with Young People Team. They will act as a forum for coordinating, supporting and promoting young people's involvement, engagement and participation across Aberdeenshire, which includes getting children and young people involved in local community decision-making and providing opportunities to influence the development of local services. This includes setting up an Aberdeenshire Council Shadow Management Team.

- [Find out more about Aberdeen Council's Children's Services Plan event.](#)<sup>48</sup>

<sup>47</sup> CRC/C/GBR/CO/5: Para: 31(a).

<sup>48</sup> GIRFEC Aberdeenshire (2017). #ABZYAP – Aberdeenshire's youth engagement event is huge success. <http://bit.ly/2A1qPhv> [Date accessed: 16.11.17].

## Skills Development Scotland with various partners

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We can show through evidence, including disaggregated data, that children and young people from marginalised groups are able to access their rights (Article 2).

### Introduction

In 2016, the UN Committee made several recommendations about the need to improve data collection and monitoring across the UNCR. For example, the Committee recommend that disaggregated data should be collected on asylum-seeking children<sup>49</sup>, child mental health<sup>50</sup>, sexual exploitation and abuse,<sup>51</sup> and the use of restraint.<sup>52</sup> Disaggregated data, which means data that is broken down into categories such as ethnicity or gender, is important as it shows which groups of children and young people are most affected by certain issues. Public bodies can use this data to target policy and services at those children and young people who are most in need.

### Supporting young people into employment and training with the 16+ Data Hub

Skills Development Scotland monitors the education, training and employment status of 16-24-year olds using a database called the 16+ Data Hub. Various partners provide the hub with information on children and young people. These partners include the Department for Work and Pensions, Student Awards Agency for Scotland (SAAS), schools and colleges, and local authorities. The hub monitors information such as expected school leaving dates, where young people intend to go after school, and young people who are receiving benefits.

The purpose of the 16+ Data Hub is to support the Scottish Government's 'Opportunities for All' agenda. 'Opportunities for all' is the Government's commitment to an offer of a place in learning or training to every 16-19-year-old who is not in employment, education or training. The 16+ Data Hub uses data provided by a number of organisations to identify children and young people who are not participating in learning, training or work. As a result, service delivery for young people from Skills Development Scotland and other partners can be more focused and targeted.

The 16+ Data Hub uses a Participation Measure to provide the status of 16-19-year olds. Reports are produced on the Participation Measure every year and different organisations can use this data and information to target their services for young people. This helps to increase the number of young people in employment or training, particularly those from marginalised groups. Three reports have so far been released on the Participation Measure. This year's report shows that the proportion of 16-19-year olds participating in education, training or employment has increased by 0.7%, from 90.4% to 91.1%. The report provides information about children and young people who are participating in education, employment or training and it provides data which has been disaggregated by gender, ethnicity, disability, SIMD decile, and by geographical area. This means it has been broken down into categories and it is therefore easier to see which groups need the most support. For example, the percentage of 16-19-year olds from minority ethnic groups who are participating in employment or education has increased by 1.4% since 2016 and is now 3.2% higher than those from white backgrounds who are participating. Similarly, the percentage of 16-19 year olds with a disability who are participating has increased by 0.8% since 2016.

The percentage of children and young people participating in education or employment varies between local authorities. The Shetland Islands, for example, has a 97.4% participation rate, whereas Dundee City has an 87.7% participation rate. This large difference can also be seen in SIMD deciles. Data on SIMD deciles tells us how children and young people from the most and least deprived communities are participating. Only 83.1% of young people from the most deprived areas take part in employment or education compared to 96.7% from the least deprived.

Making this data available means organisations can focus their resources and efforts on improving their services for children and young people in specific groups. It also means that the public can see what kind of support is being provided by these agencies and what the impact of that support is.

- Find out more about the 16+ Data Hub.<sup>53</sup>

<sup>49</sup> CRC/C/GBR/CO/5: Para: 77(a).

<sup>50</sup> CRC/C/GBR/CO/5: Para: 61.

<sup>51</sup> CRC/C/GBR/CO/5: Paras: 45(a).

<sup>52</sup> CRC/C/GBR/CO/5: Paras: 39(b),(c),(d).

<sup>53</sup> Skills Development Scotland (2017). *Sharing Data to Help Young People*. <http://bit.ly/2BdMQan> [Date accessed: 16.11.17].



## Moray Council with Children 1st

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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).

### Introduction

A recommendation was made by the UN Committee in 2016 to make sure that children's views were considered by all professionals who work with children and young people.<sup>54</sup> This recommendation can be taken forward through advocacy services, which support children and young people to understand the processes they are involved in, such as the Children's Hearings System. It is essential that public bodies provide advocacy services to support children and young people to have their views heard in all decisions that affect them.

### The Children and Young People's Rights Service

The Children and Young People's Rights Service is run by Children 1<sup>st</sup> in partnership with Moray Council. It is an independent and confidential service, although confidentiality is not guaranteed where a child may be in danger. Included in the service is the Children and Young People's Rights Service and the Child Protection Advocacy Service.

The Children and Young People's Rights Worker is able to provide information and advice on children's rights as well as support children and young people to have their views heard in matters that affect them. They support many children including Looked After Children, young people who want to appeal a school exclusion, young people who wish to make a complaint, and young people who need support talking to adults about their Additional Support Needs. The Children and Young People's Rights Worker can also support those who attend meetings such as Children's Hearings or Fostering and Adoption Panels. They provide this support by helping children and young people to fill in forms or reports for their meetings, by going in place of them if they do not wish to go, or by giving them advice and support to make sure their views are heard.

The Child Protection Advocacy Service can be used by any child aged 7-16 years whose names are, or are about to be, placed on the Child Protection Register. In exceptional circumstances, children under the age of 7 who are deemed mature enough to understand the process can also be supported by the service. The Child Protection Advocacy Worker works with children and young people to prepare and support them to express their views at child protection case conferences and meetings. They do this by helping children and young people understand what happens at Child Protection Case Conferences, supporting them to think about what they would like the people at these meetings to know and exploring how the child or young person can best express this, such as through a letter or drawing. The Child Protection Advocacy Worker can go to these meeting with the children or young person, or go in their place and speak for them. Children and young people can be referred to the service by professionals or their families can use a self-referral.

Child-friendly materials have been produced to make sure children and young people are aware of the services that are available to them.

- *Find out more about the Children and Young People's Rights service.*<sup>55</sup>

<sup>54</sup> CRC/C/GBR/CO/5: Para: 31(d).

<sup>55</sup> Moray Council (2017). *The Children and Young People's Rights Service*. <http://bit.ly/2BeiWTu> [Date accessed: 16.11.17].

## Highland Council with Who Cares? Scotland

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We use a range of measures to seek children and young people's views about matters that affect them and always consider the child's views in determining what is in the child's best interests (Articles 3 and 12)

### Introduction

In 2016, the UN Committee recommended that the UK establish structures for the active and meaningful participation of children, with particular attention to be paid to ensuring the participation of younger children and children in vulnerable situations.<sup>56</sup> The UN Committee further called on the UK to ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children and, further, when designing laws, policies, programmes and services for children and young people at local and national level.<sup>57</sup>

### Highland CHAMPS Board

Following consultation with care experienced young people in the Highlands, a CHAMPS Board was formed in 2015. The Board champions the needs of care experienced young people and provides a platform for them to engage with their Corporate Parents.<sup>58</sup> This allows young people to make their needs known, discuss what can be done to improve the care system and help improve their own outcomes.

The Board is made up of care experienced young people, representatives of Corporate Parents and senior managers. It is chaired by a young person who is supported in this role by the Council Chief Executive. Board meetings provide an opportunity for care experienced young people to share their views with representatives of their Corporate Parents. A range of measures is used to facilitate this, including workshop activities, group discussions, reflecting on current issues and sharing information.

***We're not just sitting round a table. We are having fun and we are getting our point across at the same time***  
– Young Person Member of CHAMPS Board

***There are many groups for the young people, both formal and informal, where they set the agenda and discuss the upcoming board meetings*** – Highland CHAMPS Board

***The Champions Board's aim is to provide a safe place for young people's ideas to thrive. Together in equal partnership with Corporate Parents [they] continually create, shape and develop services through really being listened to and valued*** – Highland CHAMPS Board

The work of the Board is monitored by an action plan. The actions are identified by care experienced young people. Current issues being addressed include health and wellbeing, employment, criminal justice and housing. The current plan sets out individual actions which the young people want to see in each of these areas. It then sets out what measures are being taken to address these issues. For example, in relation to health and wellbeing, care experienced young people expressed concerns about financial barriers they face when accessing leisure facilities. A consultation with Highlife Highland resulted in a reduced entry fee of 50p to certain facilities. In relation to employment, Family Firm has been assisting care experienced young people in gaining work experience placements. The views of young people involved in these placements were sought and whilst they felt their confidence had improved, some reported having felt out of their depth. These concerns were taken into consideration and formed the focus of a September 2017 CHAMPS workshop. Accordingly, steps are being taken to improve pathways to employment for other care experienced young people in the future. The CHAMPS Board was involved in the creation of Highland Council's Housing Options Protocol, which was influenced by the views of young people from the Board. For example, some care leavers spoke of feelings of loneliness upon moving on to a single tenancy after previously having lived in a busy residential home. The Protocol notes ongoing work in addressing these problems with an aim of enabling shared living without the need for a restrictive joint tenancy agreement.<sup>59</sup>

As of April 2017, 69 care experienced young people have been involved in the CHAMPS Board and related activities.

- [Read more about the Highlands CHAMPS Board.](#)<sup>60</sup>

<sup>56</sup> CRC/C/GBR/CO/5: Para: 31(a)

<sup>57</sup> CRC/C/GBR/CO/5: Para: 31(a) and 31(d)

<sup>58</sup> A Corporate Parent is an organisation or person in power who has special responsibilities towards care experienced and Looked After Children and young people. For more information see CYPs: <http://bit.ly/2BdMnFo>

<sup>59</sup> Housing Protocol, paras 6.17-6.18 [Not online]

<sup>60</sup> Highland C.H.A.M.P.S Twitter feed. <http://bit.ly/2B9PPRb> [Date accessed: 16.11.17].

## Argyll and Bute Council

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Children and young people are encouraged and supported to participate in all stages of planning, provision and delivery of our services (Article 12).

### Introduction

The UN Committee recognises respect for the views of the child as one of the four General Principles of the UNCRC. In 2016, the Committee recommended that structures should be established across Scotland and the UK for the ‘active and meaningful participation of children’.<sup>61</sup> This recommendation emphasises the importance of including the views of children and young people in designing laws, policies, programmes and services at both a local and national level. The new duty on public bodies to produce a Children’s Services Plan (CSP)<sup>62</sup> has encouraged many local authorities to find new ways to engage with children and young people so that they can directly feed into these plans. The case study below is an example of a local authority which has actively sought the views of children and young people to inform the development of their CSP.

### Argyll and Bute’s Children and Young People’s Services Plan 2017-2020

Argyll and Bute Council consulted widely with children and young people to make sure their views were represented in their 2017-2020 Children’s Services Plan.

Focus groups with children and young people were held by Youth Service Workers to gather information on the priorities of children and young people living in the area. Focus groups were chosen instead of surveys so that children had the opportunity to talk directly to decision-makers about issues affecting them and voice their opinions about potential priorities. These groups were facilitated by Youth Service Workers so that they were more accessible and child-friendly. Events took place in a range of locations including schools and at local Guide and Scout groups. Groups were also held with Looked After Children in residential units to make sure their perspectives were taken into account.

Argyll and Bute Community Planning Partnership produced a set of resources which were used by focus group facilitators to help the smooth-running of the Focus Groups. The resources included a set of case studies, each one relating to a different wellbeing indicator such as safe, healthy, nurturing or respected. Children and young people discussed different aspects of the case study with support from a Youth Service Worker, who encouraged them to think about what was done well by children’s services and what could be improved. Feedback from these discussions was shared with Argyll and Bute Council.

This feedback was collated, and data analysed, to determine what the priorities for children and young people were in the area. Children and young people emphasised the value of relationships and having their voice heard, were keen to ensure opportunities were available for employment and training and identified mental health as a key priority. These priorities were then used in the development of the Argyll and Bute Children’s Services Plan 2017-2020.

To support the publication of the report, Argyll and Bute commissioned an artist to design illustrations which were used throughout the report. These illustrations were based on the children and young people who were involved in the consultation process for the report. The local authority also intends to produce a summary document directly aimed at children and young people explaining to them what the outcomes of the consultation process were.

- [View Argyll and Bute’s Children and Young People’s Services Plan.](#)<sup>63</sup>

<sup>61</sup> CRC/C/GBR/CO/5: Para: 31(a).

<sup>62</sup> Part 3, Children and Young People (Scotland) Act 2014. <http://bit.ly/2e6Puak> [Date accessed: 15.11.17].

<sup>63</sup> Argyll and Bute Community Planning Partnership (2017). Children and Young People’s Services Plan 2017-2020. <http://bit.ly/2BeiXy> [Date accessed: 16.11.17].

## Scottish Civil Justice Council with Clan Childlaw, Scottish Women's Aid, the Scottish Child Law Centre and others

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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).

### Introduction

The UN Committee has made it clear that the views of children and young people should be given due weight by all professionals working with them.<sup>64</sup> This includes not only those working directly with children and young people, but doctors, lawyers, and the police, among others. The Children (Scotland) Act 1995 has a legislative requirement to make sure that a child's views are represented in court.<sup>65</sup> Below is an example of some of the work being done in this area to ensure children and young people have their voices heard and are supported to express their views.

### Supporting children and young people to express their views in family court cases using Form F9

The Family Law Committee of the Scottish Civil Justice Council has been undertaking work on the revision of Form F9. This is a form given to children and young people when they are told about a family court case being taken forward that is going to affect them. The form is used to tell the child or young person that the court case has been raised, and to give them the opportunity to express their views. In this way, the form is used in an attempt to allow children and young people's views to be considered in family court proceedings that affect them.

To develop the new Form F9, the Family Law Committee consulted with many organisations who have experience of working with children and young people who have given their views in court proceedings. This included the Children and Young People's Commissioner for Scotland, Clan Childlaw, Scottish Women's Aid, and the Scottish Child Law Centre. These organisations suggested changing the wording on the form to make it more child-friendly and adding colour. They also questioned whether a form is actually the best way for a child to express their views, and what support children and young people may need to fill in the form.

The Children's Parliament consulted directly with children and young people to make sure that the forms were appropriate and understandable. The consultation workshops involved 14 children between the ages of 8-17 years-old, with some having direct experience of providing information and having decisions made about them in court. Feedback from children and young people included:

*I would like there to be a lot more colour and pictures to make the form seem friendlier.*

*It would make me feel better to get a letter and the 'What I Think' form because you get to tell somebody what you feel like.*

The Family Law Committee revised the draft forms to reflect the comments by children and young people. This included simplifying the vocabulary and addressing concerns about disclosing personal information.

It is hoped that the Scottish Civil Justice Council will have the form in place and ready for use by early 2018. Once the revision has been completed, the new Form F9 will be used to support children and young people in Scottish courts to express their views in family court cases.

- [Read more about Children's Parliament's consultation with children and young people.](#)<sup>66</sup>

<sup>64</sup> CRC/C/GBR/CO/5: Para: 31(d)

<sup>65</sup> Part 2, section 16. Children (Scotland) Act 1995. <http://bit.ly/2BeiYuA> [Date accessed: 16.11.17].

<sup>66</sup> Children's Parliament (2017). "If an adult just listens ...": Children's Parliament consultation on the F9 Form used to gather children's views for Sheriff Court. <http://bit.ly/2BeiZyE> [Date accessed: 16.11.17].

## Scottish Qualifications Authority with Who Cares? Scotland

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We can demonstrate how the principle and practice of non-discrimination have been taken into account in our services (Article 2).

### Introduction

In 2016, the UN Committee made several recommendations relating to tackling discrimination of children and young people. One of these recommendations focused on raising awareness of discrimination against children and young people and supporting those in vulnerable situations.<sup>67</sup> Duties included in the Children and Young People (Scotland) Act 2014 encourage public bodies to put in place structures to support children and young people from vulnerable groups. The following case study highlights how a public body is taking action through its Corporate Parenting duty to ensure the principle of non-discrimination is embedded across services.

### Taking forward Corporate Parenting responsibilities

The Children and Young People (Scotland) Act 2014 placed a duty on several public bodies, including the Scottish Qualifications Authority (SQA), to become Corporate Parents.<sup>68</sup> Being a Corporate Parent means bringing specific responsibilities to care experienced and Looked After Children. Since the duty was introduced, the SQA has taken several steps to improve support for care experienced young people.

For example, care experienced young people have played an active role in the development of the SQA care qualifications. These qualifications are undertaken by those working in Health and Social Care and Childcare. Young people participate in the Qualifications Design Team and support the development of the qualifications to ensure they accurately reflect the issues and experiences that affect young people in care.

The SQA also continues to support care-experienced young people through education and after they have completed their exams. For the past three years, the SQA has hosted an event, in partnership with Who Cares? Scotland, to celebrate the achievements of care experienced young people. It is held on certification day, when young people receive their National Qualifications exam results. The aim of the event is to raise the self-esteem of care experienced young people and provide role models for others by recognising their efforts and successes. In both 2016 and 2017, it was attended by the Deputy First Minister and Cabinet Secretary for Education and Skills, John Swinney MSP, who presented the young people with their qualification certificates. The SQA plans to make this an annual event.

An Ambassador for the Corporate Parenting Team at Who Cares? Scotland who is care experienced said of the event:

*I think it's important from a young person's perspective that your successes are being celebrated because I know that in care, nobody really cares when you've had a success. It's really important for the SQA, as a Corporate Parent, to do this.*

SQA also provide training to all staff on what it means to be a Corporate Parent, and to raise awareness and challenge stigma associated with being care experienced. This helps to ensure staff are aware of the importance of the organisation's Corporate Parenting duties and understand clearly how they can support these duties.

- [Read the SQA's Corporate Parenting Plan.](#)<sup>69</sup>

<sup>67</sup> CRC/C/GBR/CO/5: Para: 73(d).

<sup>68</sup> Part 9, Children and Young People (Scotland) Act 2014. <http://bit.ly/2e6Puak> [Date accessed: 15.11.17].

<sup>69</sup> Scottish Qualifications Authority (2015). SQA Corporate Parenting Plan. <http://bit.ly/2Bd2nr0> [Date accessed: 16.11.17].



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Chapter

3

# Civil Rights and Freedoms

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### 3. Civil Rights and Freedoms

#### Introduction

These articles focus on children and young people's civil rights and freedoms. This includes their right to move freely in public space and to meet with others, to think and believe what they like, to access information and speak their mind (as long it is not harmful to others) to keep personal matters and communications private and their right to be protected from inhumane or degrading treatment.

- Article 7: birth registration, a name and nationality, and care
- Article 8: preservation of identity
- Article 13: freedom of expression
- Article 14: freedom of thought, conscience and religion
- Article 15: freedom of association
- Article 16: right to privacy
- Article 17: access information and mass media.

#### International recommendations

In 2016, the UN Committee made recommendations on religious observance in schools<sup>70</sup>, the prohibition of mosquito devices<sup>71</sup>, and the use of stop and search on children and young people.<sup>72</sup> Recommendations on the use of stop and search were also made by the ICERD Committee in 2016.<sup>73</sup>

#### National overview

Mosquito devices continue to be used by local authorities and private businesses in various geographical areas across Scotland and young people report encountering devices in places where they have not previously been installed<sup>74</sup>. Police Scotland published a new Code of Practice on Stop and Search in January 2017 which includes a chapter on the use of stop and search on children and young people and which references the UNCRC.<sup>75</sup> New guidance has been issued by Scottish Government on religious observance which asks headteachers to consider the views of young people but does not give them the right to opt-out of religious observance at school.<sup>76</sup>

#### Case studies taking forward the children and young people's civil rights and freedoms

Examples of public bodies taking steps to further children's rights highlighted in this chapter include the Scottish Youth Parliament's campaign to end the use of mosquito devices; guidance on information sharing produced by GIRFEC Ayrshire; Police Scotland's Code of Practice on Stop and Search; and the development of digital exam papers by the Scottish Qualifications Authority.

<sup>70</sup> CRC/C/GBR/CO/5: Para: 36.

<sup>71</sup> CRC/C/GBR/CO/5: Para: 37(a),(b).

<sup>72</sup> CRC/C/GBR/CO/5: Para: 38(a),(b),(c).

<sup>73</sup> CERD/C/GBR/CO/21-23: Para: 27.

<sup>74</sup> Scottish Youth Parliament (2017). 'Mosquito devices can buzz off!'. <http://bit.ly/2Bej1Xi> [Date accessed: 6.11.17].

<sup>75</sup> Police Scotland (2017). Code of Practice on the Exercise by Constables of Powers of Stop and Search of the Person in Scotland. <http://bit.ly/2Bej1Xi> [Date accessed: 6.11.17].

<sup>76</sup> Scottish Government (2017). Provision of Religious Observance in Scottish School. <http://bit.ly/2Bej2d0> [Date accessed: 6.11.17].

## Fife Council with the Scottish Youth Parliament

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We support children and young people's freedom of association through the provision of public spaces where they can meet safely (Article 15).

### Introduction

Last year, the UN Committee recommended that “the use in public spaces of acoustic devices used to disperse gatherings of young people” should be prohibited.<sup>77</sup> These devices are also known as ‘mosquito devices’. Together’s 2016 State of Children’s Rights report found that only two local authorities in Scotland had records of mosquito devices being used in their areas. However, a survey of Members of Scottish Youth Parliament (MSYPs) suggested that devices were being used in areas where local authorities believed there were no devices installed. The Scottish Youth Parliament, among other organisations, have continued to campaign against the use of mosquito devices.

### The campaign against mosquito devices

The campaign by the Scottish Youth Parliament (SYP) to eradicate the use of mosquito devices has had many successes and has helped to raise awareness of their negative impact. Earlier this year, the Chair of SYP, Amy Lee Fraioli, became aware of a device that was being used in Hamilton Central train station in South Lanarkshire. Using social media to raise awareness of the device, she then requested a meeting with ScotRail’s Managing Director. At the meeting, she spoke about her experience of encountering the device and asked ScotRail to remove it and any others they currently use. ScotRail has agreed to review their use of mosquito devices.

This incident resulted in widespread coverage in the media of the use of mosquito devices. As a result, the Minister for Community Safety and Legal Affairs released a statement to make it clear that Scottish Government is opposed to the use of mosquito devices and that local authorities can set a good example by banning the devices on council buildings. The Minister also noted the recommendation made by the UN Committee last year which expressed concerns over how the devices might impact on children and young people’s rights.

Kit McCarthy MSYP has submitted Freedom of Information (FOI) requests to every local authority in Scotland to find out if any of them are aware of any mosquito devices being used in their area. Results so far show that the majority of local authorities have no records of mosquito devices being used in their area and some local authorities have taken active steps to ban the devices, such as Edinburgh Council who passed a motion to ban them in 2008. Although a local authority ban cannot stop the devices being used by independent businesses, it does mean that they will no longer be installed on council buildings such as schools or leisure centres.

Fife Council has made significant progress recently to end the use of mosquito devices. After discovering that there were devices in operation at Benarty Primary School and Glenrothes High School, Kit McCarthy MSYP enquired into the nature of the devices and how often they were in use. As a result, Fife Council removed the devices from both schools and a device currently in use at Dunfermline bus station will also be removed. The Council is considering a Council-wide ban on the devices which would end the use of Mosquito devices anywhere in the local authority.

- Find out more about SYP and their ongoing campaigns.<sup>78</sup>

<sup>77</sup> CRC/C/GBR/CO/5: Para: 37(a),(b).

<sup>78</sup> Scottish Youth Parliament (2017). <http://bit.ly/2jWiy7Z> [Date accessed: 16.11.17].

## North, East and South Ayrshire Councils

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Information sharing is proportionate and appropriate and complies with the Data Protection Act while recognising a child's right to privacy (Article 16).

### Introduction

A child's right to privacy is laid out in the UNCRC but is also outlined in other international treaties, such as the European Convention on Human Rights<sup>79</sup> and the International Covenant on Civil and Political Rights.<sup>80</sup> Earlier this year, the Supreme Court ruled that information sharing provisions included in the Children and Young People (Scotland) Act 2014 did not comply with the rights to privacy and a family life as outlined in the European Convention on Human Rights.<sup>81</sup> They were concerned that information about the wellbeing of children and young people would be shared widely, with people such as teachers or doctors, without their consent. Some public bodies have produced resources, such as those detailed below, to ensure practitioners and children and young people are aware of what and when information should be shared.

### Getting It Right For Every Child in Ayrshire

North, East and South Ayrshire local authorities have been working in partnership with NHS Ayrshire and Arran to support the development of Getting It Right For Every Child (GIRFEC) across Ayrshire.

In response to the Supreme Court decision, resources have been produced by GIRFEC Ayrshire and are regularly updated for practitioners, children and young people, parents, and carers and are publicly available on the GIRFEC Ayrshire website. These resources aim to ensure that all children's services are child's rights compliant and that the rights and wellbeing of children are the most important part of processes and practice.

The resources include guidance for practitioners on information sharing which takes a rights-based approach and emphasises the importance of seeking the consent and views of children and young people, giving them the opportunity to be heard and participate in any decision-making processes which affect them. This is done through the Team Around the Child (TAC) model where the child and family work in partnership with services in education, health, social work, police and Third Sector partners to support the child's wellbeing needs.

GIRFEC Ayrshire also provides an Information Sharing Flowchart for practitioners so that they can easily identify when and how information should be shared. This flowchart ensures that practitioners only share information lawfully, where informed and explicit consent has been given or a child or young person is at risk of harm.

AYRshare is the information sharing system developed to support GIRFEC which enables the sharing of Child's Plans and Integrated Chronologies with the Team Around the Child. The system supports the TAC to meet the child's wellbeing needs and to improve outcomes for them.

An *e-guide* to information sharing is also available for children and young people in child-friendly language. It explains how information will be shared and what information will be shared. It also clearly explains what will happen if a child does not wish their information to be shared. The guide informs children about their rights, for example that they have a right to access information about themselves and that they have a right to privacy.

- Find out more about GIRFEC in Ayrshire.<sup>82</sup>

<sup>79</sup> European Convention on Human Rights (1970). <http://bit.ly/2Bej3hS> [Date accessed: 13.11.17].

<sup>80</sup> ICCPR Article 17.

<sup>81</sup> *Christian Institute v Lord Advocate* [2016] UKSC 51. <http://bit.ly/2zyqALa>

<sup>82</sup> GIRFEC Ayrshire (2017). <http://bit.ly/2A8NzK1> [Date accessed: 16.11.17].

Information materials are available in a range of formats and in specific settings in order to meet the needs of individual children and young people (Article 17).

### Introduction

The UN Committee highlighted that all children have the right to 'truly inclusive education'.<sup>83</sup> Over 153,000 children in Scottish schools have Additional Support Needs (ASN) which can be due to a variety of factors, such as a disability, a health issue, a learning difficulty, family circumstances, or social factors. Many local authorities and public bodies have therefore been taking steps to ensure that resources used in schools are accessible for all children and young people, including those with ASN.

### Supporting students with additional support needs

The Scottish Qualifications Authority (SQA) has taken steps to make their materials more accessible to students with disabilities or additional support needs. Digital Question Papers have been designed for use by children and young people with additional support needs who have difficulty using ordinary exam papers. They were introduced by the SQA in 2008 and are now used by over half of schools in Scotland.

Students can use a computer or iPad to complete their exam instead of having to write on paper. This allows them to alter the display on the screen, for example by changing the font or changing the background colour, and to dictate their answers instead of typing. Students can also listen to the question paper and hear back the responses that they've written. Digital Question Papers can be used by children and young people with additional support needs and are helpful, for example, for students with dyslexia or dyspraxia, those with ADHD or with a visual impairment.

Pupils and staff have found many benefits to using Digital Question Papers. Pupils can be more independent than if they were using a human reader or scribe which increases their self-confidence and can have a positive impact on attainment. Staff have more time for other duties and it reduces the number of rooms and invigilators required during exam time.

As well as Digital Question Papers, there are several other digital resources which can be accessed by students with additional support needs to help them prepare for exams. For example, digital past papers are available for download which can be used for studying. Teaching staff can also make their own digital prelims on the Adapted Digital Assessments website. This means that students will not be at a disadvantage when taking prelim exams and that they can also become familiar with the technology before sitting their SQA exams.

Digital Question Papers have received positive feedback from students. They said:

***I am really not very good at spelling and writing, but I do not like asking for help and I hate using the dictionary. These help me work on my own. It is much better.***

***I can work on my own when using digital.***

The number of students with additional support needs who use Digital Question Papers or other technology for their exams is now more than those who use a reader/scribe. In 2016, there were 4,802 requests for digital papers for 2,057 candidates across Scotland.

The SQA have also made other resources available for children and young people who have difficulty with ordinary exam papers. These include making exam papers available in braille and publishing guidelines on the use of British Sign Language in exams.

- [Find out more about SQA's Digital Question Papers.](#)<sup>84</sup>

<sup>83</sup> CRC/C/GBR/CO/5: Para: 73(a).

<sup>84</sup> Scottish Qualifications Authority (2017). *Digital Exam Papers*. <http://bit.ly/2BbjObw> [Date accessed: 16.11.17].

# Police Scotland with the Children's Parliament, Scottish Youth Parliament and Who Cares? Scotland

Children and young people are not subject to any form of treatment, which is deemed to be inhuman or degrading and have access to legal and other assistance in instances where they are detained (Article 37).

## Introduction

In the 2016, the UN Committee called for non-statutory stop-and-search of children to be prohibited.<sup>85</sup> Children and young people have described the experience of stop-and-search by police as “frustrating” and “degrading”.<sup>86</sup> Scottish Government has since abolished non-statutory stop-and-search and Police Scotland has issued a new Code of Practice for stop-and-search.<sup>87</sup>

## A rights-based approach to Stop & Search

In 2016, Police Scotland wanted to find out what children and young people thought about a proposed new police power to stop and search children and young people for alcohol and to inform the development of a new Code of Practice. They asked Children's Parliament to speak about stop and search with 40 children aged from 8-13 years-old in a confidential space. Although children felt that a new police power to stop and search children for alcohol could potentially make them feel safer, they also worried about the effect it could have on their relationship with the police and how it could make them feel. One child said it was “embarrassing” to be searched by the police and “can affect your life and how you act around the police.”

Scottish Youth Parliament consulted with young people aged from 15 to 22 years-old, some of whom had direct experience of the criminal justice system. They described their experiences of stop and search as “embarrassing” and “degrading” and said that the new Code of Practice should include a section on working with children and young people. They also felt that the police should provide a detailed explanation to the person being searched of what they are doing and that the police should speak in a way that children and young people can easily understand.

**Police should ensure the person being searched knew their rights before the search began and tell you how to make an enquiry or complaint.**

As well as the work undertaken by Children's Parliament and the Scottish Youth Parliament, Who Cares? Scotland held focus groups with 32 care experienced young people aged from 12 to 24 years-old. Their main worry was about the damage stop and search could have on relationships between young people and the police, particularly taking into account the difficult relationships care experienced young people may sometimes have with the police. Young people consulted by Who Cares? Scotland said that:

**Every day the police would search me, they just stop you because they know where you're from.**

After listening to the views and experiences of children and young people, Scottish Government decided against introducing a new power for police to search young people for alcohol. They decided that there was not enough evidence to support a new power and that the balance between protecting the public and the rights of the individual had to be considered.

The new Code of Practice on Stop and Search by Police Scotland includes a comprehensive section specifically on children and young people, written in a way that ensures the police think about children and young people's rights. It says that children and young people's wellbeing should be the main consideration during a search, and that police's actions should promote and respect the child or young person's human rights. The Code also draws attention to the “inherent power imbalance” that exists between the police and a child or young person and how that may affect their interaction with the police.

- Read about the consultations with children and young people:
  - Scottish Youth Parliament.<sup>88</sup>
  - Children's Parliament.<sup>89</sup>
  - Who Cares? Scotland.<sup>90</sup>
- Read the new Stop and Search Code of Practice.<sup>91</sup>

<sup>85</sup> CRC/C/GBR/CO/5: Para: 38(a)

<sup>86</sup> Scottish Youth Parliament (2016). Criminal Justice Discussion Days: consulting with young people on stop and search powers for alcohol and raising the minimum age of criminal responsibility. <http://bit.ly/2BbjOZ4> [Date accessed: 30.10.17].

<sup>87</sup> Scottish Government (2017). Code of Practice on the Exercise by Constables of Powers of Stop and Search of the Person in Scotland. <http://bit.ly/2Bej5X2> [Date accessed: 30.10.17].

<sup>88</sup> Scottish Youth Parliament (2016). Criminal Justice Discussion Days. <http://bit.ly/2BbjOZ4> [Date accessed: 16.11.17].

<sup>89</sup> Children's Parliament (2016). Police Powers to Stop and Search Children and Young People for Alcohol. <http://bit.ly/2BbjQAa> [Date accessed: 16.11.17].

<sup>90</sup> Who Cares? Scotland (2016). Consultation response on Police Powers to Search Children and Young People for Alcohol. <http://bit.ly/2Bd1oXO> [Date accessed: 16.11.17].

<sup>91</sup> Scottish Government (2017). Code of Practice on the exercise by Constables of Power of Stop and Search of the Person in Scotland. <http://bit.ly/2Bej8SI> [Date accessed: 16.11.17].



UNCRAC

Emily

Shirley

Diana

KATE

A PLAYPARK DESIGNED BY US FOR US

CHILDREN AT THE HEART OF DECISION MAKING

I'm glad my parents let me sit on the tree outside before I do homework

We are thoughtful and easy on young people

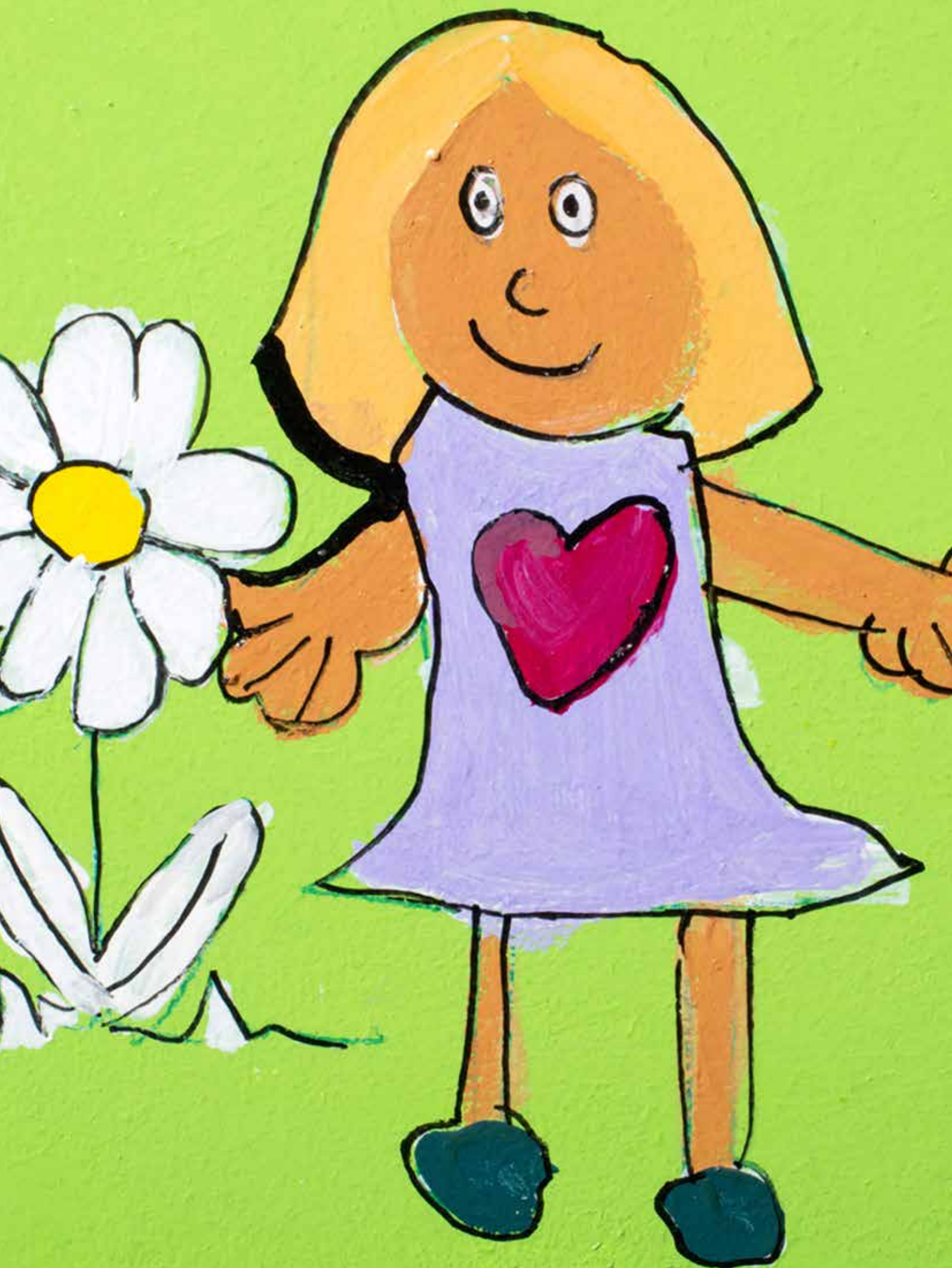
It's hard to be funny

do you know what kind of butterfly that is?

GOVERNMENT PICNIC

The Big Action PLAN

MSP



Chapter

4

# Violence Against Children

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## 4. Violence Against Children

### Introduction

These articles focus on situations where children experience violence, including physical and mental violence, abuse and neglect, maltreatment and exploitation including sexual abuse. They set out the right of children to services which support their physical and psychological recovery and emphasise that children should not be subjected to torture or to other cruel, inhuman or degrading treatment or punishment including physical or corporal punishment. They include the right of every child to protection from being hurt and mistreated, physically or mentally and outline special help for children who have been neglected, abused or exploited

- Article 12: right to be heard
- Article 19: protection from violence, abuse and neglect
- Article 24: abolishing negative traditional practices
- Article 28: school discipline
- Article 34: protection from all forms of sexual exploitation;
- Article 37: protection from inhuman or degrading treatment;
- Article 39: recovery from trauma and reintegration.

### International recommendations

The UN Committee, other Treaty Bodies and the 2017 Universal Periodic Review (UPR) have made many recommendations to address violence against children. Some of these recommendations – such as protecting children from abuse and neglect,<sup>92</sup> listening to the views of children in situations of violence,<sup>93</sup> ending the use of restraint on children<sup>94</sup> and preventing honour-based violence<sup>95</sup> – are discussed in the case studies. To progress children and young people's rights in Scotland, public bodies should consider taking forward other recommendations to protect children from gender-based violence,<sup>96</sup> sexual exploitation<sup>97</sup> and bullying both online and offline.<sup>98</sup>

### Guidance from the UN Committee

The following general comments from the UN Committee set out best practice on how to take these areas of work forward:

- Joint general recommendation/General Comment 31 of the Committee on the Elimination of Discrimination against Women and 18 of the Committee on the Rights of the Child: *Harmful practices*<sup>99</sup>
- General Comment 13: *The right of the child to freedom from all forms of violence*<sup>100</sup>
- General Comment 8: *The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.*<sup>101</sup>

### National overview

Scotland is currently one of the few countries in Europe not to give children equal protection from violence, although in September 2017, the Scottish Government made a welcome commitment to change this position.<sup>102</sup> Restraint is still used on children and there is inadequate guidance on the use of restraint in educational settings.<sup>103</sup> There is concern around the prevalence of domestic and gender-based violence.<sup>104</sup> Scottish Government has put in place strategies to tackle violence and abuse against children such as Equally Safe, Scotland's strategy for preventing and eradicating violence against women and girls. Sexual exploitation including pornography and trafficking remains a large concern.<sup>105</sup> When violence against children does happen, research shows that children – particularly those who are younger – are often not listened to in the decision-making that follows.<sup>106</sup>

### Case studies taking forward the right to protection from violence, abuse and neglect.

This chapter looks at: the holistic care provided at the Good Shepherd Centre in Renfrewshire for young people who have experienced violence and neglect; best practice when involving children in court decisions around domestic abuse; the use of Communication Passports for children with a disability that reduces the need for restraint; and workforce training across City of Edinburgh Council to raise awareness and understanding of honour-based violence.

<sup>92</sup> CRC/C/GBR/CO/5: Paras: 43(a) and CEDAW/C/GBR/CO/7: Para: 35.

<sup>93</sup> CRC/C/GBR/CO/5: Paras: 43(d) and CEDAW/C/GBR/CO/7: Para: 23.

<sup>94</sup> CRC/C/GBR/CO/5: Paras: 39(b),(c),(d) and CAT/C/GBR/CO/5: Para: 28.

<sup>95</sup> CRC/C/GBR/CO/5: Paras: 47(a),(b),(c),(d),(e) and CEDAW/C/GBR/CO/7: Paras: 37, 55.

<sup>96</sup> CCPR/C/GBR/CO/7: Para: 13; E/C.12/GBR/CO/6: Para: 46; CEDAW/C/GBR/CO/7: Para: 23, 35 and 57; E/C.12/GBR/CO/6: Para: 46; CCPR/C/GBR/CO/7: Para: 13.

<sup>97</sup> CRC/C/GBR/CO/5: Paras: 45(a); CRC/C/GBR/CO/5: Paras: 45(b); and CRC/C/GBR/CO/5: Paras: 45(d),(e).

<sup>98</sup> CRC/C/GBR/CO/5: Paras: 49(a); CRC/C/GBR/CO/5: Paras: 49(a),(b),(c); CERD/C/GBR/CO/21-23: Para: 16; and CEDAW/C/GBR/CO/7: Para: 45.

<sup>99</sup> CEDAW/C/GC/31/CRC/C/GC/18.

<sup>100</sup> CRC/C/GC/13.

<sup>101</sup> CRC/C/GC/8.

<sup>102</sup> Scottish Government (2017). Programme for Government 2017-18. <http://bit.ly/2Bd2nHz> [Date accessed: 31.10.17].

<sup>103</sup> Restraint not adequately dealt with in the refreshed 'Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing Schools Exclusions' (IEI2). <http://bit.ly/2Bej9Gg> [Date accessed: 31.10.17].

<sup>104</sup> Together (2016). State of Children's Rights in Scotland report, pp 66-67. <http://bit.ly/2BeiTag> [31.10.17].

<sup>105</sup> Together (2016). State of Children's Rights in Scotland report, p 69. <http://bit.ly/2BeiTag> [Date accessed: 31.10.17].

<sup>106</sup> Mackay, K. (2013). The treatment of the views of children in private law child contact disputes where there is a history of domestic abuse. <http://bit.ly/2BejbxS> [Date accessed: 31.10.17].

# Education Scotland and the Scottish Social Services Council with the Good Shepherd Centre

We provide support to promote children and young people's recovery from their experience of violence including abuse, neglect and exploitation (Article 39).

## Introduction

Physical, emotional and neglectful forms of abuse often affect children and young people who are already vulnerable, due to factors such as poverty or living in care<sup>107</sup> and can be very damaging both in the short and the long term. There is a growing demand for trauma recovery services, and yet access to services can be affected by insufficient funding.<sup>108</sup> Children and young people who are supported by existing services say they feel like 'one of a huge number' and are aware of cuts to resources.<sup>109</sup> There is a need for more high-quality and holistic trauma recovery services for children and young people who have experienced or witnessed abuse.

## Holistic care for young people at risk – the Good Shepherd Centre

The Good Shepherd Centre is a Secure/Close Support Unit for young people aged 12-18. Young people may be placed at the Centre due to experiences of trauma, neglect, substance abuse and violence that cause them to be a risk to themselves or others. Referrals are usually made through the Children's Hearing System. The Centre has 18 secure beds, 6 close support units and 3 semi-independent cottages.

The Good Shepherd Centre is part of the National Contract framework for secure care, which is managed by Scotland Excel on behalf of the 32 Scottish Local Authorities and Scottish Government. The Centre is regulated by the Care Inspectorate and Education Scotland.

The Good Shepherd Centre aims to provide a positive and life-changing experience for young people through individual care, education and skills development. From the moment they enter the Centre, young people are included at the heart of a team of residential care workers, Education staff, Wellbeing Support Service, Clinical and Forensic Psychologists, Social Workers, parents and advocacy workers. They contribute to a collaborative assessment of the young person's needs. The case team meets weekly and reassesses placements every 10 weeks. Young people are included in these meetings and their views taken into account. Residents' progress is assessed using the Scottish Government's SHANARRI child wellbeing indicators of Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included, looking at patterns over time. Drawing from research on experiences of violence, the Centre also adds 'hope' to these outcomes to address the profound sense of hopelessness felt by many of the young people.<sup>110</sup>

The Centre's residents have a daily routine of self-care, exercise, education and leisure activities. Healthcare is provided and monitored on-site. The Centre works with trauma therapy services for young people who need specific interventional care. Most young people enter the Centre having struggled with formal education. Class sizes are kept small and young people are re-engaged in the educational process. As part of the curriculum, young people have access to areas such as a salon, a practical craft space and a therapeutic room which link with a range of National Qualifications, wider Achievement Awards and employment skills. When it's time for young people to leave, the Centre works with Local Authorities to make sure each young person's needs and interests are met following their move back into the community.

***It has been very positive that my young person has achieved academic qualifications above and beyond what her educational placement in the community was able to provide. – Social worker***

A 2016 Care Inspectorate report found that the young people valued the opportunities to develop different skills. All felt safe and had someone they could discuss concerns with. They reported that staff made efforts to help them stay in touch with family.

Although the Centre is able to accept most referrals, there is an increasing demand from local authorities across the UK. Fully funded and connected services are essential to address the harmful impacts of violence and abuse.

- Read the Care Inspectorate's 2016 report on the Good Shepherd Centre.<sup>111</sup>
- Find out more about the Good Shepherd Centre.<sup>112</sup>

<sup>107</sup> Daniel, B., Burgess, C. and Scott, J. (2012). Review of Child Neglect in Scotland. <http://bit.ly/2eF484u> [Date accessed: 01.11.17]. Also; Biehal, N., Cusworth, L., Wade, J. & Clarke, S. (2014). Keeping Children Safe: Allegations Concerning the Abuse or Neglect of Children in Care Final Report. University of York/ NSPCC. <http://bit.ly/2BejcSs> [Date accessed: 01.11.17].

<sup>108</sup> Hoare, G., Boswell, K. and Kail, A. (2016). Tackling Child Abuse in Scotland. The RS MacDonald Charitable Trust. <http://bit.ly/2BcauEa> [Date accessed: 01.11.17].

<sup>109</sup> Experiences of the YPeople group during case work; see Together (2016). State of Children's Rights in Scotland report, p 64. <http://bit.ly/2BeiTag> [Date accessed: 01.11.17].

<sup>110</sup> Hills, F., Meyer-Weitz, A. and Asante, K.O. (2016). The lived experiences of street children in Durban, South Africa: Violence, substance use, and resilience. International Journal of Qualitative Studies on Health and Well-being. <http://bit.ly/2JUVvKW> [Date accessed: 01.11.17].

<sup>111</sup> Care Inspectorate (2016). Good Shepherd Centre Bishopton Secure Accommodation Service. <http://bit.ly/2B8xao1> [Date accessed: 01.11.17].

<sup>112</sup> Good Shepherd Centre (2016). <http://bit.ly/2hP7C71> [Date accessed: 16.11.2017]

## Edinburgh, Glasgow and East Dunbartonshire Councils with Scottish Women's Aid and the Children and Young People's Commissioner for Scotland

We seek and take account of children and young people's views prior to making decisions in child protection and other processes (Article 12).

### Introduction

Children must be asked their views and listened to at every step of the child protection process, including in court proceedings.<sup>113</sup> Research in Scotland shows that children are rarely supported to have a say in decisions that affect their lives in relation to court ordered contact and domestic abuse.<sup>114</sup> Court ordered contact happens when the relationship between parents breaks down, and courts may order children to remain in contact with one or both of their parents. Not listening to children in these situations can have a negative effect on the youngest and most vulnerable children, especially those exposed to ongoing abuse through unsafe contact orders.<sup>115</sup> Listening and acting on the views of children and young people helps them to be safe and protected.

### Ensuring children and young people affected by domestic abuse have their voices heard

The Children and Young People's Commissioner for Scotland (CYPCS) and Scottish Women's Aid (SWA) are often told by children and young people that their voices are ignored when courts make decisions about them remaining in contact with parents. CYPCS and SWA have worked with Women's Aid groups across three local authorities in Scotland to explore how to improve children and young people's experience of court processes in the context of domestic abuse.

Local councils worked with third sector organisations, academics, legal professionals, health bodies and the police to find out what court systems and processes were already in place for children and young people affected by domestic abuse and see where there were gaps and areas that could be improved. Twenty-seven children and young people who were being supported by Women's Aid groups based in Edinburgh, Glasgow and East Dunbartonshire then got involved in the Power Up/Power Down project. Throughout a series of interactive, playful sessions with Women's Aid workers they had trusted relationship with, the children and young people explored the idea of power, and learned about children's rights and making their voices heard.

The children and young people were given a story about two children's experiences of the family court system, based on real examples collected from SWA. They 'rewrote' the story to improve outcomes for the children and young people. Their new story highlights where things could be improved and recommends ways to make the system work better for children and young people. Their stories and recommendations have been made into videos which are being used to raise awareness amongst professionals of the issues facing children and young people around court-ordered contact in the context of domestic abuse. Children and young people involved say they feel much more valued, "*because I am able to help change something.*"

The three local authorities are exploring next steps to use the Power Up/Power Down findings in their work. Local Child Protection Committees could embed the project's findings and the approach it takes to work safely with children and young people experiencing domestic abuse into strategic planning processes and training programmes for council staff. Power Up/Power down put children and young people's safety first at all times to help them feel more secure. One participant said: "*I was reassured continuously that my details would not be shared, which helped.*"

Understanding domestic abuse and a commitment to working with local Women's Aid groups is critical. In West Lothian, the Council has created a post of Domestic Abuse Children's Rights Officer who supports children and young people to talk about their concerns with sheriffs, social workers, and other people making important decisions about their lives.

- Find out more about Power Up/Power Down.<sup>116</sup>

<sup>113</sup> UN Committee on the Rights of the Child (2009). General Comment 12 (2009). The right of the child to be heard. <http://bit.ly/2BdMnoS> [Date accessed: 01.11.17]

<sup>114</sup> Mackay, K. (2013). The treatment of the views of children in private law child contact disputes where there is a history of domestic abuse. <http://bit.ly/2BejbxS> [Date accessed: 01.11.17]; See also: CRFR (2013). Hearing children in court disputes between parents. <http://bit.ly/2Bdmrtu> [Date accessed: 01.11.17].

<sup>115</sup> Ibid.

<sup>116</sup> Power Up / Power Down (2017). <http://bit.ly/2Bfr5af> [date accessed: 16.11.2017].

# Angus Council with Positive and Active Behaviour Support Scotland (PABSS)

Approaches to managing behaviour and discipline in school and in other settings such as residential care and foster care are appropriate and positively support children and young people (Article 28 (2)).

## Introduction

In 2016, the UN Committee called for an end to all forms of restraint against children for disciplinary purposes and to ban the use of any technique designed to cause children pain.<sup>117</sup> Restraint should only be used against children to prevent harm to the child or others, and only as a last resort. The UN Committee remain concerned that restraint in residential care and in schools is used excessively against children with a disability when their behaviour is seen as ‘challenging’, and not as a last resort. Positive Behaviour Support is viewed as the most effective evidence-based approach for supporting children with a disability.<sup>118</sup>

## Supporting children and young people with a disability to communicate – Communication Passports

Personal Communication Passports<sup>119</sup> create a practical and person-centred way of supporting children and young people with a disability who may not be able to communicate easily with those around them. Passports contain information that helps practitioners to understand the child or young person, including features of the child’s personality and their family, medication needs, diagnosis, sensory profiles, what makes them happy, verbal communication signals and challenging behaviours they may display.<sup>120</sup> Understanding the reason for a child’s behaviour reduces the need for any form of restraint and builds positive relationships based on the needs of individual children.

*[The Communication Passport] is predicated on the importance of recognising the knowledge that staff have...it is vital to predict and plan for the type of situation that might cause any stress or frustration that can lead to ‘challenging’ behaviour. It is important that the passport becomes part of the normal way of working, to make sure that we support children and young people who have additional support needs. – John Swinney, Deputy First Minister<sup>121</sup>*

Although passports require time from parents, children and practitioners to complete and review, they are easily updated, and digital versions can be emailed to support workers and other professionals in advance of any meeting with the child or young person. When supported, children are able to help complete their own passports by choosing the pictures they want to include and details about their family, likes and dislikes and other areas of their lives.

Parents of children with a Communication Passport say that incidents of restraint and challenging behaviour in school are significantly reduced as a result of the individual child’s plan included in the passports. Calum was excessively restrained in a special school. He described his experience: “They wouldn’t let me get up, it was very scary. I don’t want to go, it’s not a nice place for me”.<sup>122</sup> In Calum’s new school in Angus, the contents of his Communication Passport are known by all members of staff and he is supported through his Positive Behaviour Support plan. Neither restraint nor seclusion rooms are used and Calum now feels much safer and happier.

There is an urgent need to increase the focus on such preventative positive behaviour support systems in schools and services for children with a disability by training staff and developing a skilled support network. Positive and Active Behaviour Support Scotland (PABSS)<sup>123</sup> support parents and schools to develop Communication Passports that give children and young people a voice.

- View and download Communication Passport templates.<sup>124</sup>
- Find out more about Positive and Active Behaviour Support Scotland.<sup>125</sup>

<sup>117</sup> CRC/C/GBR/CO/5: Paras: 39(b),(c),(d).

<sup>118</sup> Challenging Behaviour Foundation, Council for Disabled Children, NCB (2015). Evidence/Policy briefing: Early intervention to meet the needs of learning disabled children and young people with behaviour which challenges. <http://bit.ly/2Bcavbc> [02.11.17].

<sup>119</sup> See ‘My Communication Passport’ at: <http://bit.ly/2BiLkUB> [Date accessed: 02.11.17].

<sup>120</sup> See Calum Morrison’s Communication Passport at: <http://bit.ly/2BdxVgw> [Date accessed: 02.11.17].

<sup>121</sup> Scottish Parliament (2017). Public Petitions Committee report 20 April 2017. <http://bit.ly/2Bdw8lr> [Date accessed: 02.11.17].

<sup>122</sup> Challenging Behaviour Foundation (2016). “Why Do They Hurt?”. <http://bit.ly/2Bdy3fZ> [Date accessed: 02.11.17].

<sup>123</sup> See Positive and Active Behaviour Support Scotland at: <http://bit.ly/2A40l9G> [Date accessed: 02.11.17].

<sup>124</sup> Communications Passports templates (2017). <http://bit.ly/2BiLkUB> [Date accessed: 17.11.2017]

<sup>125</sup> Positive and Active Behaviour Support Scotland (2017). <http://bit.ly/2A40l9G> [Date accessed: 17.11.2017]

## City of Edinburgh Council with Bright Choices

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We take measures to ensure that no form of cruel, inhuman or degrading treatment to children is tolerated in our services (Article 37 (a)).

### Introduction

Honour-based violence (HBV) can refer to physical, emotional, domestic and sexual abuse and be seen in the harmful practices of forced marriage and female genital mutilation (FGM). The number of children born into FGM-affected communities has increased significantly in Scotland over the last decade.<sup>126</sup> FGM is nearly always performed on children and causes long-term mental and physical harm. In 2016, the UN Committee called for strengthened preventive and protection measures to address the issue of HBV practices, including the training of relevant professionals.<sup>127</sup>

### HBV and FGM training across the workforce

Bright Choices provides a bridge to vulnerable children and families most likely to be affected by HBV. Having previously worked with schools through the City of Edinburgh Council, Bright Choices is now working with the Edinburgh Child Protection Committee (ECPC) to deliver introductory training for staff on HBV across the workforce, including the Council, NHS and Police. The training is designed for any member of staff who might come into contact with children and young people affected by HBV. The sessions cover what HBV is, how to recognise it and how to offer appropriate interventions and support. The training is built on evidence from UNICEF, the World Health Organisation, and from Bright Choices' direct work experience with children and families affected by HBV. It is endorsed and supported by the ECPC in line with legislation and procedures.

The ECPC is positive about the feedback received from professionals who have found the training "very informative" and have gained a "real picture of what both experiences are like for the survivors". 91% of participants feel more confident in recognising and responding to HBV, forced marriage and FGM whilst 92% are more aware of these issues. Greater awareness and understanding of HBV, FGM and forced marriage throughout the workforce will improve the safety and wellbeing of children and young people. Learning from Bright Choices is expected to inform community engagement and organisational learning activities across Edinburgh and the Lothians and HBV training is planned to continue for the foreseeable future.

Learning is already informing the development of policies and procedures. Bright Choices has helped to inform the Edinburgh and Lothians Interagency Procedures for the Protection of Girls and Women at risk of FGM.<sup>128</sup> These procedures are used by all front-line practitioners working with children and young people including Police Scotland, Social Work, NHS Lothian, Education and the voluntary sector across Edinburgh and the Lothians. As part of this, Bright Choices is creating a full-day, specific contact workforce and practical training programme on FGM which will be available to professionals towards the end of 2017. This programme will outline actions to protect children and women who are at risk of the practice. The ECPC is supporting Bright Choices to develop programme materials and are engaged through the ECPC Learning and Development Group.

Whilst Bright Choices is funded by the Big Lottery, all Interagency Child Protection training in Edinburgh is funded through the interagency budget of Police Scotland, NHS Scotland and the City of Edinburgh Council.

This emphasis on prevention in mainstream services is essential to tackle HBV. Improvements in the confidence and response of the statutory workforce to this form of violence will ensure children and young people affected by HBV are recognised, and supported sensitively and appropriately.

- Find out more about Bright Choices' work to tackle Honour Based Violence.<sup>129</sup>

<sup>126</sup> Baillot, H., Murray, N., Connelly, E. & Howard, N. (2014). *Female Genital Mutilation in Scotland: towards a Scottish model of intervention*. Glasgow: Scottish Refugee Council. <http://bit.ly/2eFde1v> [Date accessed: 03.11.17].

<sup>127</sup> CRC/C/GBR/CO/5: Paras: 47(b).

<sup>128</sup> Edinburgh Child Protection Committee (2017). *Inter-agency procedures for the protection of girls and women at risk of female genital mutilation for Edinburgh and the Lothians*. <http://bit.ly/2Bdd3Wv> [Date accessed: 03.11.17].

<sup>129</sup> Bright Choices (2017). <http://bit.ly/2BejkBq> [Date accessed: 17.11.2017].



Caela



im going to miss you all

no-one asked me

SO, IT'S DECISION TIME ABOUT YOUR CHILD

QUICK MOVE

LUI'S

Hobby Alley U2

Chapter

5

# Family Environment and Alternative Care

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## 5. Family Environment and Alternative Care

### Introduction

These articles focus on the right of every child to enjoy a supportive, nurturing home environment regardless of their circumstances. They set out the support parents should have to bring up their children; the right of children to not be separated from parents unless this is in their best interests; the right of children to be well cared for where they live apart from their parents; the right of a child to maintain contact with both parents if that is in their best interests; the right of a child to have a say when decisions are made about where they should live:

- Article 5: parental guidance and a child's evolving capacities
- Articles 9-11: separation from parents
- Article 18: parental responsibilities and state assistance
- Article 20: children unable to live with their families
- Article 21: adoption
- Article 25: social security
- Article 27: adequate standard of living.

### International recommendations

The UN Committee, other Treaty Bodies and the 2017 Universal Period Review (UPR) have made many recommendations to support children in their home environment. Some of these recommendations – such as stability for children in care,<sup>130</sup> support for those leaving care,<sup>131</sup> better services for parents and carers,<sup>132</sup> and consideration of children with a parent in prison<sup>133</sup> – are discussed in the chapter case studies. To progress children and young people's rights in Scotland, public bodies should consider taking forward other recommendations including affordable childcare,<sup>134</sup> shared responsibility between parents and carers,<sup>135</sup> and placements that allow siblings to stay together or keep in touch whilst in care.<sup>136</sup>

### Guidance from the UN Committee

The following general comment from the UN Committee sets out best practice on how to take these areas of work forward:

- General Comment 7: *Implementing Child Rights in Early Childhood*.<sup>137</sup>

### National overview

Scotland has some of the highest childcare costs in the UK.<sup>138</sup> The funding of extra childcare introduced by Scottish Government in 2014 is welcomed, although challenges remain for parents and carers in accessing and using the funding.<sup>139</sup> Looked After Children and care leavers continue to face issues, such as being moved many times against their wishes, a lack of caring and lasting relationships, separation from siblings and a lack of access to advocacy support.<sup>140</sup> The Independent Care Review, set up in 2017, is looking at legislation, practices, culture and ethos of the care system. The Review is listening to children and young people with experiences of care in order to make recommendations to deliver lasting change in the care system and to leave a legacy that will transform the wellbeing of children and young people.<sup>141</sup> The number of children with a parent in prison is not recorded and their experiences are often not understood by professionals.<sup>142</sup> There is a need to consider and support the views and experiences of vulnerable groups of children, such as young carers and children in armed forces families.

### Case studies taking forward rights in relation to family environment and alternative care

This chapter explores: a project in Fife that listens and acts on the views of younger looked after children; the approach of the first Rights Respecting Children's Unit in Inverclyde; ways to support care leavers through the East Lothian Champions Board; access to parental support services in West Dunbartonshire; workforce training on families of prisoners across Glasgow; an e-learning module for Corporate Parents; and the impact of access to high-quality independent advocacy services for Looked After Children undergoing a placement review.

<sup>130</sup> CRC/C/GBR/CO/5: Paras: 53 (c).

<sup>131</sup> CRC/C/GBR/CO/5: Paras: 53(f).

<sup>132</sup> CRC/C/GBR/CO/5: Paras: 53(a)(b).

<sup>133</sup> CRC/C/GBR/CO/5: Paras: 55(a),(b).

<sup>134</sup> CRC/C/GBR/CO/5: Para: 51; E/C.12/GBR/CO/6: Para: 44 and CEDAW/C/GBR/CO/7: Para: 47.

<sup>135</sup> E/C.12/GBR/CO/6: Para: 44 and CEDAW/C/GBR/CO/7: Para: 47.

<sup>136</sup> CRC/C/GBR/CO/5: Paras: 53(e).

<sup>137</sup> UN Committee on the Rights of the Child (2005). *Implementing Child Rights in Early Childhood*. <http://bit.ly/2Bfr4mH> [Date accessed: 16.11.17].

<sup>138</sup> *Together* (2016). *State of Children's Rights in Scotland* report, p 79. <http://bit.ly/2BeiTag> [Date accessed: 18.10.17].

<sup>139</sup> *The Commission for Childcare Reform* (2015). *Meeting Scotland's Childcare Challenge*. <http://bit.ly/2Bb1srf> [Date accessed: 18.10.17].

<sup>140</sup> Henderson, G. & Hanson, L. (2012). *Children on Supervision Requirements for Five or More Years: Decisions and Outcomes*. <http://bit.ly/2e6Xzfa> [Date accessed: 18.10.17]; *Clan Childlaw* (2015). *Promoting Sibling Contact for Looked After Children*. <http://bit.ly/2B9PQVf> [Date accessed: 18.10.17]; *Who Cares? Scotland* (2016). *Advocacy Matters; an analysis of young people's views*. <http://bit.ly/2Bfr85V> [Date accessed: 18.10.17].

<sup>141</sup> See the *Independent Care Review* website: <http://bit.ly/2ooMYQm> [Date accessed: 18.10.17].

<sup>142</sup> See *CYPCS* (2008). *Not Seen, not heard, not guilty: The rights and status of the children of prisoners in Scotland*. <http://bit.ly/2BdHsUE> [Date accessed: 18.10.17].

## Fife Council with the Children's Parliament

We take into account children's evolving capacities, making sure that all younger children are able to access their rights (Article 5).

### Introduction

Younger children can and should be listened to when decisions are made about their lives.<sup>143</sup> In the 2016 Concluding Observations, the UN Committee said more attention must be paid to involving vulnerable groups such as younger children and Looked After Children in decision-making.<sup>144</sup> Looked After Children say they would like to be listened to more when decisions are made about their care arrangements, and for Corporate Parents to focus on children's views.<sup>145</sup>

### Improving the wellbeing of Looked After Children – Seen + Heard in Fife

First piloted in 2015/2016, Seen + Heard Fife is a Children's Parliament project in partnership with the Fife Corporate Parent Board (CPB) and funded by Fife Council.<sup>146</sup> It is a creative arts and rights-based project which involved younger Looked After Children, aged 9-11 years old. It aims to improve the wellbeing of Looked After Children from across Fife.

Children develop the skills, behaviours, values and knowledge they need to take part and be included in everyday life at home, at school and in the community. An important part of the Seen + Heard Fife is that Looked After Children talk about their lives with members of the Fife Corporate Parent Board, social workers, teachers and other professionals working with Looked After Children. At the end of the project, these adults come together to celebrate the children's achievements.

***These messages are inspiring and instructive for all of us. Our Looked After Children want us to be ambitious for them; they want us to know how important loving, caring and consistent relationships are to them; and they want us to know their voices are being heard and we are acting on what they say. The Seen + Heard project has grown to be an integral part our approach in Fife as well as an enjoyable and inspiring experience for everyone involved. – Chair of Fife's Corporate Parenting Board***

Over the last two years, 27 children have been engaged in Seen + Heard Fife. After their first year, children become part of another group which supports them as they move into secondary school. In this next group, children continue to build on what they've achieved through Seen + Heard Fife so they can be more confident in all areas of their lives. When they are older, children from Seen + Heard Fife often join the 2bHeard groups for care experienced young people aged 12+ in Fife.

Through Seen + Heard Fife, there are opportunities for the CPB, external organisations and public bodies to consult with younger Looked After Children on specific initiatives or topics. Children from the groups have engaged with the Fife Pledge for Looked After Children, the Listen Up Strategy and a review of the Family Law Committee's F9 form used to share children's views with the Sheriff's Court.

Fife Council is the first local authority in Scotland to partner with Children's Parliament to deliver this approach. As a result of their participation in Seen + Heard Fife, children report increased confidence in themselves and their abilities, raised aspirations for their futures, better relationships with other children and adults, and feeling listened to and respected by adults working with Looked After Children. They have also become more aware of the Corporate Parent Board and its role in their lives.

***I've changed the way I think, my decision making I mean. Before, if someone was making me angry, I would push them. Since coming here, I wouldn't push them. I'm better at talking to people now. – Seen + Heard participant***<sup>147</sup>

- Find out more about the work of Seen + Heard Fife.<sup>148</sup>

<sup>143</sup> Lansdown, G. (2005). *The evolving capacities of the child*. Innocenti Research Centre, UNICEF/Save the Children, Florence. <http://bit.ly/2Bfrauz> [Date accessed: 19.10.17].

<sup>144</sup> CRC/C/GBR/CO/5: Para: 31(a).

<sup>145</sup> Consultation carried out by Glasgow City Council in 2015 with 23 young mainly care-experienced parents. See also; CELCIS (2012). *The Expert Views of Children and Young People on their Experiences of Foster Care in Scotland*.

<sup>146</sup> Children's Parliament (n.d.). *Seen + Heard Fife blog*. <http://bit.ly/2ziMJZO> [Date accessed: 19.10.17].

<sup>147</sup> Children's Parliament (2017). *Seen + Heard Fife newspaper*. <http://bit.ly/2Bdms0w> [Date accessed: 20.10.17].

<sup>148</sup> Children's Parliament (2017). *Seen + Heard in Fife*. <http://bit.ly/2mXv6NH> [Date accessed: 16.11.17].

## Inverclyde Council with UNICEF UK

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Children and young people who are looked after have access to the services they need and have a say in decisions about where they live (Article 9).

### Introduction

Many Looked After Children and young people say they would like caring and lasting relationships to be built into the care system, as well as have their basic needs met. They also describe decisions made about their care without their involvement, such as being moved with little notice, and not knowing why contact with family members had been stopped.<sup>149</sup> In the 2016 Concluding Observations, the UN Committee addressed the need to provide stability for children in care.<sup>150</sup> Across Scotland, public authorities are taking steps to make sure the needs and views of Looked After Children and young people are being met.<sup>151</sup>

### Embedding a rights-based approach into Residential Units – “Rights Respecting” Residential Units

In Inverclyde, 70% of schools have achieved Level 1 or Level 2 of UNICEF UK’s Rights Respecting Schools Award (RRSA). Recognising the impact of the Rights Respecting framework, Inverclyde Health and Social Care Partnership are piloting the first Rights Respecting Children’s Residential Units in Scotland. The programme has been adapted to suit the environment of a residential unit and aims to build the confidence of looked after young people and ensure they feel safe, secure and listened to.

The approach was developed in partnership between Inverclyde Health and Social Care Partnership, UNICEF UK and the three local Children’s Residential Units. Child rights training and ongoing support for all staff has been developed and undertaken at each unit. Sessions are held between advocacy workers and the young people who live in the unit to talk about what children’s rights means to them and how the staff and the unit can support their rights. This has helped to make sure the young people feel confident in recognising their rights and having their voices heard in decisions about their care arrangements.

There are set outcomes within the Rights Respecting Unit award that embed children’s rights in planning decisions, in relationships formed throughout the service, and even in the language used by developing rights-based House Charters. Young people are given information on independent advocacy services from the beginning. The young residents meet with advocates, social workers and children’s rights officers to talk about decisions, such as where they live and developing their own care plans. Young people have worked with architects and planning departments to create the units, are connected with the local Champions Board, have taken part in the development of a child-friendly complaints mechanisms and the evaluation of participation tools, express their views on a range of topics at regular unit meetings to help with continuous improvement, plan trips and holidays, and are given assistance to pursue other goals such as driving lessons, attending summer camps and some have even saved for their own car.

All three residential units have achieved the Recognition of Commitment stage of the award and Kylemore Children’s Unit has reached Level 1 of the award. The commitment to taking a child rights approach within Inverclyde’s residential units led to the development of the local Champions Board, which provides a platform for looked after young people to engage with Corporate Parents and to champion the needs of care experienced young people. The young people involved say they enjoy being given the chance to be heard, and “to learn about stuff that we didn’t really understand”.

Inverclyde Council are the first to adapt the RRSA framework to a residential setting, which has generated much interest from across Scotland’s local authorities. The Rights Respecting Units in Inverclyde are looking forward to progressing the programme and a report on their achievements will soon be published by UNICEF UK.

- Find out more about the Rights Respecting status of Kylemore Children’s Unit from the Care Inspectorate.<sup>152</sup>

<sup>149</sup> Together (2016). State of Children’s Rights in Scotland report, p 84. <http://bit.ly/2BeiTag> [Date accessed: 23.10.17].

<sup>150</sup> CRC/C/GBR/CO/5: Paras: 53 (c).

<sup>151</sup> When making a decision about a looked after child, a local authority is under a legal duty to have regard to the views of the child under Sections 17(3)-(4) Children (Scotland) Act 1995. <http://bit.ly/2eF7ogk> [Date accessed: 23.10.17].

<sup>152</sup> Care Inspectorate (2017). Kylemore: Care Home Service. <http://bit.ly/2A3iMjC> [Date accessed: 16.11.17].

## East Lothian Council with the Life Changes Trust

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Young people who are moving onto independence but continue to require our services, have access to the support they need (e.g. care leavers or disabled young people) (Article 5).

### Introduction

Support and access to services for care leavers can vary. Challenges include how to best engage, plan for and support young people into adulthood, how to meet the needs of different groups of care leavers and how to make sure local authorities have the information they need to plan services and monitor young people's outcomes.<sup>153</sup> In 2016, the UN Committee recommended improved support for care leavers across housing, employment and further education.<sup>154</sup> Young care leavers have said they need better access to financial and practical resources and emotional support, especially during and after leaving care.<sup>155</sup>

### Empowering care experienced young people – East Lothian Champions Board

The Life Changes Trust fund a national network of Champions Boards which provide a platform for care experienced young people to talk directly to local authority staff, elected members and service providers. This ensures that decisions are informed by the experience and insight of care experienced young people and care leavers. Champions Boards are relatively new, but are already proving to be extremely effective.

The East Lothian Champions Board was launched in 2015 with a focus on relationship-based practice and support for young people when they leave care. There are now twenty-two Champions, most of whom are care leavers. The Champions have decided on seven priorities for change across education, care placements, mental health and parenthood, housing, finance, aftercare support and policing. Seven strategic leaders within East Lothian Children's Strategic Partnership have signed up to the Champions Board and pledged their commitment to progress the seven priorities for change.

***Our Champions Board helps us to be better Corporate Parents and make better decisions for all of us. In this time of great change, our Champions Board will play a vital role. – Head of Children and Adult Services for the East Lothian Health and Social Care Partnership***

To improve outcomes for care leavers, the Champions are working on numerous projects. This includes supporting care plans that help young people to stay in care for longer and access appropriate follow-on support, a supported living initiative called 'Step Forward', and the launch of a 'Doing Things Differently' pilot which helps care experienced young people to manage their finances. The Champions made a number of recommendations around how personal budgets could be used more creatively to support young people to return home.

An individual grants programme was recently launched which the Champions are using as an opportunity to invest in the lives of care leavers with little financial support, and to help connect more care leavers with the Champions Board. As many young people stay in touch with their carers throughout their lives, the project hopes to extend this positive experience to all care leavers.

***The Champions Board is important because it comes from us...it comes from our experience, from people who have gone through it. – Member of the East Lothian Champions Board***

Young people in East Lothian say their involvement as a Champion has made a difference to their relationships with others, their connections to their community, the influence they feel they have over decision making processes and their hopes for the future. East Lothian is one of several local authority areas receiving funding to support or establish Champions Boards.<sup>156</sup> The East Lothian Champions Board is currently funded by the Life Changes Trust until April 2019.

- See the work of the East Lothian Champions Board.<sup>157</sup>

<sup>153</sup> CELCIS and STAF (2014). *Throughcare and Aftercare in Scotland's Local Authorities*. <http://bit.ly/2BeX2zJ> [Date accessed: 24.10.17].

<sup>154</sup> CRC/C/GBR/CO/5: Paras: 53(f).

<sup>155</sup> Macdonald, C., Cruickshank, C. and Ray, L. (2013). *Consultation with Children and Young People: Strategy for Children's Residential Care, Glasgow, Who Cares? Scotland*. <http://bit.ly/2B9PRZj> [Date accessed: 24.10.17].

<sup>156</sup> The other Champions Boards are in Dundee, West Lothian, Aberdeen City, Inverclyde, East Renfrewshire, Midlothian, Moray, Renfrewshire, Perth and Kinross, Argyll and Bute, Dumfries and Galloway, Falkirk, and the Highland Community Planning Partnership. See: <http://bit.ly/2Bd2qTl> [Date accessed: 24.10.17].

<sup>157</sup> Life Changes Trust (2017). *East Lothian Champions Board*. <http://bit.ly/2BfdGL> [Date accessed: 16.11.17].

## West Dunbartonshire Council with Save the Children

We provide support and services to parents/carers in order that they can care for their children (Article 18).

### Introduction

The cost and availability of services such as childcare remains a priority for lone parents, most of whom are women.<sup>158</sup> Access to affordable childcare and other services is a significant risk for single parents – and therefore their children – who may go into deeper and more long-term poverty. A child's socio-economic background has a large impact on their educational experiences and on attainment inequalities.<sup>159</sup> Supporting parents to access quality services for their children, such as early childhood care and education, is associated with lasting benefits for children's development and can help to tackle socio-economic inequalities.<sup>160</sup>

### Supporting parents to help their child's learning – Families and Schools Together (FAST)

Save the Children supports families by increasing parents' skills and confidence to help their child's learning. This can reduce the impact of poverty on children. An important part of this work is the Families and Schools Together (FAST) programme, delivered in Scotland since 2010.

FAST is built on a strong evidence base that delivers significant improvements for children.<sup>161</sup> It brings parents, children, schools and the wider community together through weekly sessions in schools. The activities strengthen family bonds and improve educational development. Activities include eating family meals together, one-to-one parent-child support and family play time. After the first eight weeks of FAST sessions, families are supported to set up FASTWORKS groups. These groups continue the learning of FAST, and help supportive parent-to-parent relationships to grow.

West Dunbartonshire Council was the first local authority in Scotland to pilot the FAST programme in its schools. One family to have graduated from FAST are Evan and his mother Sarah.

*Sarah became a lone parent after taking Evan away from an angry home environment. Evan continued to have contact with his dad every fortnight, but Sarah stopped these visits because his dad was still angry, and she was concerned that Evan would grow up angry as well. Evan is now 7 and he and his mum live in a flat in West Dunbartonshire.*

*Sarah was attracted to the FAST programme because she had to be careful with money, and FAST offered a chance to take part in fun activities with Evan for free. Evan and Sarah's favourite things to do at FAST are to cook together and to play Charades, which Evan uses to express his hurt and frustration at not being able to see his dad. By acting out his feelings he has been able to keep calm and talk about his dad, sharing his emotions for the first time. Sarah has been able to reassure him.*

*The programme helped Sarah to get to know and better understand her son better. Evan's behaviour has improved, and he is less frustrated and angry now that he can talk about his feelings with his mum. Sarah has also been reminded of how much she wanted to work with children when she was younger, and FAST has helped her to apply to college to do an Education Support Assistance course.*

Outcomes of FAST are seen in school and in the home. This includes an increase of 71% in parental involvement in school and 76% of parents feeling more able to support their child's education. Family relationships become more positive, and family conflicts are decreased by 32%.

In 2017, Save the Children worked with Councils in Renfrewshire, West Dunbartonshire, Edinburgh and Fife to deliver FAST. This involves two days of training for relevant staff and regular support from FAST workers. Schools are encouraged to share what they have learned from FAST with other schools in their area to increase the impact and influence of the programme.

- Find out about implementing FAST in schools.<sup>162</sup>

<sup>158</sup> Engender (2012). Multiple Jeopardy. <http://bit.ly/2eFbWDw> [Date accessed: 25.10.17].

<sup>159</sup> Scottish Government (2016). Summary statistics for attainment, leaver destinations and healthy living. No. 6: 2016 Edition. <http://bit.ly/2e6YX1h> [Date accessed: 25.10.17].

<sup>160</sup> Sammons, P., Sylva, K., Melhuish, E., Siraj, Blatchford, I., Taggart, B., & Hunt, S. (2008). Effective Pre-School and Primary Education 3–11 Project: Influences on Children's Attainment and Progress in Key Stage 2: Cognitive Outcomes in Year 6. Department of Education: London.

<http://bit.ly/2BbHpst> [Date accessed: 25.10.17]; See also Speight, S., Maisey, R., Chanfreau, J., Haywood, S., Lord, C. & Hussey, D. (2015).

Study of Early Education and Development: Baseline survey of families. Department for Education: London. <http://bit.ly/2eFdmy1>

[Date accessed: 25.10.17].

<sup>161</sup> FAST (n.d). Theoretical Foundations. <http://bit.ly/2jkr2ld> [Date accessed: 25.10.17].

<sup>162</sup> Save the Children (2017). Families and Schools Together: An award-winning programme. <http://bit.ly/2Bej18s> [Date accessed: 16.11.17].

# Glasgow City Health and Social Care Partnership with Families Outside

We provide support to children and young people who experience complex family circumstances (e.g. young carers; children with experience of domestic abuse; children who have a parent in prison) (Article 18).

## Introduction

Scotland has one of the largest prison populations in Europe.<sup>163</sup> It is estimated that around 63% of prisoners in Scotland have children<sup>164</sup> which means that many children are affected by parental imprisonment. Children and young people with a family member in prison experience significant and long-term impacts to their health and wellbeing. Children and families may experience financial difficulties, discrimination, housing issues and suffer from the emotional difficulty of separation.<sup>165</sup> Workforce training and awareness-raising plays an important role in supporting children and young people affected by family imprisonment.

## Workforce training for families of prisoners

Families Outside support families affected by imprisonment. In 2016-2017, Glasgow City Health and Social Care Partnership provided Families Outside with funding to support activities which raise awareness of the impact of imprisonment for families. This included looking at how the Glasgow and North Strathclyde Community Justice authority and practitioners can support families, and running 'Out of the Shadows' multi-agency training sessions and training sessions for teachers.

'Out of the Shadows' training increases the confidence of health and social care professionals to work with children and young people affected by imprisonment through interactive sessions which outline the issues experienced when a family member goes to prison. The sessions explore the particular challenges faced by children and young people, how stigma can be a barrier to seeking and receiving support, and demonstrate good practice and sources of support. The training materials and videos used are developed with and tested by children and young people affected by family imprisonment.<sup>166</sup> All participants say the training and resource pack increases their knowledge and understanding of issues these children and young people face.

Children and young people with a parent in prison face significant challenges including trauma and stigma, which can make it harder for them to learn and make them more vulnerable to bullying. The training for teachers offers an opportunity to understand the lives of the children and young people they work with, and experience a prison from their perspective. The training provides practical ways in which teachers and school communities can help, and highlights the importance of links between prison, support agencies and schools.

***[The training] will encourage me to approach this issue in a more open way and to look at ways to support children in my class by focusing on relationships. – Training participant***

The funding from the Health and Social Care Partnership strengthened networks with a range of practitioners. This has provided opportunities for Families Outside to increase awareness of the support available to families and professionals and, importantly, to voice the needs and experiences of families affected by imprisonment. Further, the Partnership has committed to fund a research project which explores the impact of parental involvement in the justice system on children, young people and their families and to co-produce supporting materials based on the findings. This research is estimated to be published by Families Outside at the end of March 2018.

- See a sample of *Out of the Shadows* training.<sup>167</sup>
- Access tools for professionals from *Families Outside*.<sup>168</sup>

<sup>163</sup> Scottish Centre for Crime and Justice Research (2015). *Who's in prison? A snapshot of Scotland's prison population*. <http://bit.ly/2Bd1rms> [Date accessed: 26.10.17].

<sup>164</sup> Scottish Human Rights Commission (2016). *Submission to the United Nations Committee on the Rights of the Child: NHRI report on the United Kingdom's periodic report under the Convention on the Rights of the Child*. <http://bit.ly/2BeVGF6> [Date accessed: 26.10.17].

<sup>165</sup> Families Outside (2010). *Perspectives of Children and Young People with a Parent in Prison*. <http://bit.ly/2BdaYtT> [Date accessed: 26.10.17].

<sup>166</sup> See for example 'My Diary' (<http://bit.ly/2i5LVEh>) and videos '27,000 voices' (<http://bit.ly/2BcaDaG>), 'It's No Holiday' (<http://bit.ly/2BfEYFw>) and 'Reversible Thinking' (<http://bit.ly/2BcaGDo>) [Date accessed: 26.10.17].

<sup>167</sup> Families Outside (2017). *Sample training for community partners: Out of the Shadows*. <http://bit.ly/2BdHufe> [Date accessed: 16.11.17].

<sup>168</sup> Families Outside (2017). *Tools for Professionals*. <http://bit.ly/2Bl54qz> [Date accessed: 16.11.17].

# Glasgow City Health and Social Care Partnership with Who Cares? Scotland

Our management team is informed of their duties and fulfils their responsibilities as Corporate Parents (Article 18).

## Introduction

Under the Children and Young People (Scotland) Act 2014, Corporate Parents are required to work with each other to promote the wellbeing of all Looked After Children and care leavers.<sup>169</sup> This means that Corporate Parents must provide care experienced children and young people with the opportunities that other parents and carers would give their child. Care experienced children and young people say that Corporate Parenting practices need to be more rights-based and focussed on their views.<sup>170</sup>

## Corporate Parenting training across Glasgow

The Glasgow City Health and Social Care Partnership (HSCP) approached Who Cares? Scotland for support in the development of an e-learning module which would be accessed by approximately 9,000 professionals within the partnership. These professionals come from various services, including children and families, criminal justice, homelessness and adults and older people.

The HSCP Corporate Parenting Steering Group is made up of representatives from social and health services. They all worked collaboratively with a Corporate Parenting Officer from Who Cares? Scotland to develop the structure and content for the module. It was agreed that the training would be mandatory for all professionals in the partnership. Every element of the module was discussed, reviewed and edited collaboratively. This ensured the end result was inclusive and effective across all the services within the HSCP.

*Each partner was able to offer insights into the range of work that happens with care experienced young people across the city, and the combination of that shared knowledge has led the group to produce a very informative, engaging and valuable module that will benefit all of our staff. This piece of work has been a highlight of recent times because, I think, it started from a shared desire to create something that would do justice to the principles of Corporate Parenting for our young people. – Tony Mackie, Principal Officer for Learning and Development at Glasgow City Council*

The module will support health and social care professionals to understand their role as a Corporate Parent and understand the impact that a good Corporate Parent can have. It develops a knowledge of the issues faced by care experienced children and young people, includes strategies to be a good Corporate Parent and demonstrates how to meaningfully engage with care experienced children and young people.

With the support of Who Cares? Scotland, care experienced young people tell their stories as part of the training materials. Chloe is one of those young people. She has experienced almost every type of care placement, and reflects on how a good Corporate Parent can have a hugely positive impact on the lives of care experienced young people.

*You have to be there for care experienced young people because they need structure in their lives. Maybe everyone has gone out of their lives and if they can't rely on a doctor, a teacher or a social worker then everything seems to be pointless. Whatever kind of Corporate Parent you are, just be there, listen and show them that you care. We just want to feel loved I guess. Because of the stigma attached to [care], we tend to forget that. – Chloe<sup>171</sup>*

Discussions are taking place to expand this training model across neighbouring local authorities in the Clyde Valley area and beyond. Ultimately, effective training of all Corporate Parents will impact positively on the systems, cultures and approaches that shape the everyday lives of care experienced children and young people.

- Access Who Cares? Scotland's guidance materials on Corporate Parenting including an outline of the Glasgow HSCP Mandatory E-Learning Module.<sup>172</sup>

<sup>169</sup> Scottish Government (2015). Statutory Guidance on Part 9 (Corporate Parenting) of the Children and Young People (Scotland) Act 2014. <http://bit.ly/2Bdw9vZ> [Date accessed: 27.10.17].

<sup>170</sup> Together (2016). State of Children's Rights in Scotland report, p 82. <http://bit.ly/2BeiTag> [Date accessed: 27.10.17].

<sup>171</sup> For stories from care experienced young people, see: <http://bit.ly/2As5UF0> [Date accessed: 27.10.17].

<sup>172</sup> Who Cares? Scotland (2017). Corporate Parenting: Guidance Materials. <http://bit.ly/2A53Pxo> [Date accessed: 16.11.17].

## A Scottish local authority and Who Cares? Scotland

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All placements of children and young people who are looked after are subject to regular review (Article 25).

### Introduction

Looked After Children and young people often face multiple placement moves against their wishes<sup>173</sup> and experience a lack of access to advocacy support when their placements are reviewed.<sup>174</sup> Research in Scotland finds that awareness and understanding of advocacy is low for young people and professionals, yet almost all Looked After Children and young people who have accessed advocacy feel that it helped them.<sup>175</sup> Independent advocacy throughout the review process can be a critical safeguard for Looked After Children and young people.

### Using independent advocacy to shape placement reviews

Who Cares? Scotland provides independent advocacy services in most local authority areas in Scotland. Although placement reviews are intended to ensure the best interests of Looked After Children and young people, Who Cares? Scotland advocacy workers often find that their role is vital in helping young people say what they think during these formal review processes.

One local authority in Scotland<sup>176</sup> previously made very few referrals for advocacy support, and advocacy workers were often not included in reviews. Who Cares? Scotland met with a key contact within the local authority to develop a plan that encouraged understanding of the importance of independent advocacy for looked after young people. Relationships between social workers and advocacy workers have improved, referrals have increased, and advocacy is now seen as crucial.

Sometimes children and young people can be placed 'out of authority', meaning the placement they live in is outside the area of the responsible local authority's boundaries. An issue with the placement is discussed with the local authority at formal meetings called 'Looked After and Accommodated Children' (LAAC) reviews. Through these reviews, a local authority evaluates the young person's progress and updates their care plan. LAAC reviews must be held at least every six months but also take place as frequently as needed. The following case study from an advocacy worker involves a LAAC review in this local authority:

*Due to the financial expense of this 'out of authority' placement, the young person felt that her concerns were being disregarded. She was aware her placement would be reaching an end soon and she was fearful that this was the wrong decision for her. At her upcoming LAAC Review, she wanted to ask many questions around not feeling ready to move before 18, concerns about CAMHS support in the new area, whether she would be supported by children and families or adult services, what was expected of her, what support she would receive and why her quality of life had a price tag.*

*The young person was supported by the advocacy worker to articulate each question in a letter to explain why these were of concern to her. At the LAAC review, professionals discussed the points alongside the young person and her advocacy worker, and listened to her points of view. It was agreed that a follow up LAAC Review would be arranged. The young person was happy with this outcome and went to prepare for the next meeting.*

*The young person worked closely with her advocacy worker prior to the next series of meetings, providing her with increasing confidence and agency in the LAAC Reviews. The young person stated that she felt "listened to like an actual human with rights" and thanked the advocacy worker for helping her remain within her "surrogate family home".*

This set of LAAC reviews ended positively because the young person in care could express her views in a meaningful way through the provision of independent advocacy. The case study shows that the best outcomes can be created for children and young people in care when they are supported and involved in the placement reviews that so profoundly impact on their lives.

- Access Who Cares? Scotland's Guidance Materials for Corporate Parents<sup>177</sup>

<sup>173</sup> Scotland's National Action Plan for Human Rights (2015). Year Two Report, p 28. <http://bit.ly/2BcaP9U> [Date accessed: 30.10.17].

<sup>174</sup> Who Cares? Scotland (2016). Advocacy Matters; an analysis of young people's views. <http://bit.ly/2Bfr85V> [Date accessed: 30.10.17].

<sup>175</sup> Ibid. <http://bit.ly/2Bfr85V> [Date accessed: 30.10.17].

<sup>176</sup> The local authority is anonymised due to the highly personal nature of the information given in this case study.

<sup>177</sup> Who Cares? Scotland (2017). Corporate Parenting: Guidance Materials. <http://bit.ly/2A53Pxo> [Date accessed: 16.11.17].





Chapter

6

# Disability, Basic Health and Welfare

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## 6. Disability, Basic Health and Welfare

### Introduction

These articles focus on the health and welfare of all children and the rights of disabled children. All children should have the best possible standard of health, including access to relevant health services. There should be a focus on the determinants of children's health, including mental and emotional health. Under Articles 26 and 27, where families do not have enough to live on, children have a right to financial support from the Government to meet their basic needs.

- Article 6: survival and development
- Article 18(3): childcare services
- Article 23: children with disabilities
- Article 24: health and health services
- Article 26: social security
- Article 27(1-3): adequate standard of living
- Article 33: protection from drug and substance use and illicit production and trafficking

### International recommendations

Several UN Treaty Bodies and the Universal Periodic Review (UPR) have made recommendations on a wide range of issues relating to disability, basic health and welfare. In particular, in their 2016 Concluding Observations the UN Committee on the Rights of the Child made recommendations regarding issues such as child and adolescent mental health<sup>178</sup>, the eradication of child poverty,<sup>179</sup> and access to health services<sup>180</sup>. In 2017 many of these recommendations were echoed by the UN Committee on the Right of Persons with Disabilities<sup>181</sup> and by the UPR, which included several recommendations on child poverty in the 2017 review cycle. Many of these recommendations are being taken through the work explored in this chapter.

### Guidance from the UN Committee

The following general comments from the UN Committee set out best practice on how to take these areas of work forward:

- General Comment 3: *HIV/AIDS and the Rights of the Children*<sup>182</sup>
- General Comment 4: *Adolescent Health and Development in the Context of the Convention on the Rights of the Child*<sup>183</sup>
- General Comment 9: *The Rights of Children with Disabilities*<sup>184</sup>
- General Comment 15: *The Right of the Child to the Enjoyment of the Highest Attainable Standard of Health*<sup>185</sup>
- General Comment 20: *The Implementation of the Rights of the Child During Adolescence*<sup>186</sup>
- General Comment 21: *Children in Street Situations*<sup>187</sup>

### National overview

The demand for child and adolescent mental health services (CAMHS) continues to increase rapidly as waiting time targets are not being met by several NHS Health Boards. Many children are being referred to CAMHS when alternative, lower-level preventative interventions such as family support services may be more appropriate, but are not always available. Some children have an initial appointment with CAMHS and then have to wait a significant amount of time for a follow up while other children are 'rejected' by CAMHS for not meeting the threshold for medical intervention and diagnosis.

Health inequalities persist, particularly among groups such as LGBTI children, minority ethnic children, those from deprived areas, and those with a disability. Steps are being taken at both a local and national level to decrease the number of children living in poverty.

### Case studies taking forward children and young people's rights to health and welfare

This chapter explores: efforts by North Lanarkshire Council to tackle period poverty; Aberdeenshire Council's Mental Health and Wellbeing Strategy; NHS Health Boards undertaking an LGBT Charter; a programme to support children and young people with ong-term health conditions being run in Edinburgh; the development of a Community Nurse post by Charlie House and NHS Grampian; and projects which benefit children in the early years and their families supported by East Lothian Council.

<sup>178</sup> CRC/C/GBR/CO/5: Para: 61(a).

<sup>179</sup> CRC/C/GBR/CO/5: Para: 71.

<sup>180</sup> CRC/C/GBR/CO/5: Para: 59.

<sup>181</sup> CRPD/C/GBR/CO/1: Para 21, 37(b).

<sup>182</sup> UN Committee (2003). General Comment 3: *HIV/AIDS and the Rights of the Children*. <http://bit.ly/2Bd1rTu> [Date accessed: 16.11.17].

<sup>183</sup> UN Committee (2003). General Comment 4: *Adolescent Health and Development in the Context of the Convention on the Rights of the Child*. <http://bit.ly/2BcaRyy> [Date accessed: 16.11.17].

<sup>184</sup> UN Committee (2006). General Comment 9: *The Rights of Children with Disabilities*. <http://bit.ly/2BcaT9E> Date accessed: 16.11.17].

<sup>185</sup> UN Committee (2013). General Comment 15: *The Right of the Child to the Enjoyment of the Highest Attainable Standard of Health*. <http://bit.ly/2BcaVOO> [Date accessed: 16.11.17].

<sup>186</sup> UN Committee (2016). General Comment 20: *The Implementation of the Rights of the Child During Adolescence*. <http://bit.ly/2Bb1uzn> [Date accessed: 16.11.17].

<sup>187</sup> UN Committee (2017). General Comment 21: *Children in Street Situations*. <http://bit.ly/2B9PSMR> [Date accessed: 16.11.17].

## East Lothian Council with Support from the Start

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We provide early learning and childcare services which benefit both children and their parents/carers (Article 18).

### Introduction

The Children and Young People (Scotland) Act 2014 includes provisions to increase the amount of free early learning and childcare for 3 and 4-year-olds from 475 hours to a minimum of 600.<sup>188</sup> This has prompted local authorities to put in place flexible systems of childcare that support the development of children in the early years. In many cases, including the case study below, this involves partnership working within the community between parents, services and the local authority.

### Responding to inequalities in the early years – Support from the Start

Support from the Start is a network of people and services who work in six different groups in East Lothian to provide a local response to inequalities in the early years. The groups were established by East Lothian Council in 2012. The aim of the network is to bring services, parents, carers and communities together to improve outcomes for children from pre-birth to age eight. These outcomes include children being happy and healthy, being protected from harm, having the opportunity to play, and their parents being supported to improve their parenting skills. Each Support from the Start group is based in a different area of East Lothian and all groups report to the Support from the Start planning board which is chaired by the Head of Children's Services for East Lothian Council.

One of the ways in which Support from the Start works to help communities is by providing small development grants to parents and services. The grants are available on a 'simple rules' basis which makes them more accessible for people in the community who want to start an early years initiative. Through these grants, Support from the Start has helped to establish several different early years projects in East Lothian.

An example of a project which has been supported by the 'simple rules' grant is open play days in Neilson Park, Haddington. These are supported by the community and encourage parents and children to focus on the benefits of play and fun. Other Support from the Start projects include Cardboard Quest and Crusaders events which give children and parents the opportunity to be creative through play. In Prestonpans, partners ran a 'Wee Pans Summer Lunch Club' which aimed to reduce hunger during school holidays and give children a safe place to play. In Dunbar, a project has been piloted which trains volunteers to help schools, nurseries and play groups get children playing in natural outdoor spaces.

Many parents have given positive feedback on the support available to them through initiatives funded through Support from the Start. They have said:

*I got a lot out of going to groups like PEEP [Parents Early Education Partnership] ... My daughter is sociable and gained confidence with going into situations.*

*I was very emotional and felt quite lonely ... The groups helped me meet like-minded mums and also know where I could get support when I need it.*

- [Read more about Support from the Start.](#)<sup>189</sup>

<sup>188</sup> Children and Young People (Scotland) Act 2014 Part 6. <http://bit.ly/2eFd3Da> [Date accessed: 30.10.17].

<sup>189</sup> East Lothian Council (2017). Support from the Start. <http://bit.ly/2Bcz205> [Date accessed: 16.11.17].

## NHS Grampian with Charlie House

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We actively promote the right of disabled children to have access to a range of services and have choice and control over the services they receive e.g. education, health care, play and leisure services etc (Article 6 and 23).

### Introduction

In 2016, the UN Committee on the Rights of the Child made several recommendations relating to children with disabilities, including adopting a rights-based approach to disability strategies and ensuring children with a disability can have their views heard.<sup>190</sup> Other Treaty Bodies have made similar recommendations, most notably, the UN Committee on the Rights of Persons with Disabilities which made extensive recommendations in 2017 on the allocation of financial resources and on strengthening measures to prevent hate crime.<sup>191</sup> There are a range of programmes supported by public bodies, such as in the following case study, which help to progress some of these recommendations.

### Supporting children and young people with life-limiting conditions – Charlie House

Charlie House was started in late 2010 to address the inadequacy of care and support available in the North-East of Scotland for children and young people with life-limiting conditions and their families. In 2015, Charlie House began fundraising for a Community Nurse post which would provide support to families from the time of diagnosis, assisting in the transfer from hospital to home, and throughout a child's journey. NHS Grampian approved a 3-year proposal for the post in 2016, to be funded by Charlie House.

The charity worked closely with the NHS Community Team Lead to develop a job description for the Community Nurse role and interview appropriate candidates. NHS Grampian also agreed to provide regular updates and statistics regarding the impact of the post in supporting local families, to allow the charity to plan for future service provision.

The Community Nurse started in January 2017. The nurse spent time getting to know the children and families at the Royal Aberdeen Children's Hospital so that she became embedded within the Community Team there. Her work now ranges from supporting children and families at school, at home, in hospital and over the phone. She regularly attends Multi-Disciplinary Team Meetings for children with complex medical needs which help to make sure all the clinicians involved in a child's care agree on what steps will be taken going forward. The nurse has also been involved in supporting several families with completing Advanced Care Plans and Children and Young Persons Acute Deterioration Management plans. These plans are essential in ensuring that the views of the child and their family are taken into consideration during their care.

Since January 2017, the Charlie House Nurse has supported 41 families across the North-East of Scotland, with the children's ages ranging from two months to 18 years. Feedback from families and clinicians has been very positive. The support provided to children and families will be expanded in the coming months as the Community Nurse will be joined by additional posts funded by Charlie House.

- [Read more about Charlie House.](#)<sup>192</sup>

<sup>190</sup> CRC/C/GBR/CO/5: Para: 57.

<sup>191</sup> CRPD/C/GBR/CO/1: Para 21.

<sup>192</sup> Charlie House (2017). <http://bit.ly/2iLYskj> [Date accessed: 16.11.17].

## *NHS Health Boards (NHS Lanarkshire, NHS Ayrshire and Arran, NHS Ayrshire & Arran, NHS Tayside and NHS Dumfries and Galloway) with LGBT Youth Scotland*

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We ensure that children and young people have access to the high quality health care they need and this extends to preventative health care services (Article 24).

### **Introduction**

In 2016, the UN Committee called for health care strategies to have a strong focus on eliminating inequalities and addressing underlying social determinants of health.<sup>193</sup> This recommendation aims to improve access to health services for children and young people from vulnerable groups, such as those from minority ethnic communities, from deprived areas, those who identify as LGBTI, Gypsy/Traveller children, and children with a disability. The programme described below helps ensure that LGBT children and young people are able to access and receive high quality and inclusive care.

### **Ensuring services are LGBT inclusive – The LGBT Charter Programme**

The LGBT Charter is a programme developed by LGBT Youth Scotland which supports public bodies, organisations, departments, or services, to undertake training, review policies and practices, engage with LGBT people, and undertake monitoring to ensure that their services are fully LGBT-inclusive.

The programme was initially developed from a project undertaken with LGBT young people on their rights. The project involved the young people finding out more about the UNCRC and the Universal Declaration of Human Rights and considering whether they thought that LGBT young people always enjoyed these rights. The young people then created a LGBT youth charter that suggested ways that services could meet their obligations to respect the rights of those who identify as LGBT. This was further developed by LGBT Youth Scotland staff in 2005 to develop the LGBT Charter programme.

Many different types of organisations and services can work towards achieving the LGBT Charter. This includes schools and colleges, third sector organisations and public bodies. To undertake the LGBT Charter, staff must undertake LGBT awareness training which is usually specific to the service, for example on health or education. As the programme is a rights-based capacity building process, services must also ensure that LGBT people and their needs are considered throughout all areas of their service and employment. Services achieve this by consulting with LGBT people to assess their needs, engaging with the LGBT community, and building links with local LGBT organisations, including LGBT Youth Scotland and other LGBT youth groups. The service also reviews and updates their policies to ensure that they meet the requirements in the Equality Act 2010 and the Human Rights Act 1998.

A range of health care services across Scotland have achieved the LGBT Charter and are able to demonstrate having undergone a learning journey and evidence of good practice throughout their service. NHS Lanarkshire Blood Born Virus (BBV) and Sexual Health Promotion Team, NHS Ayrshire and Arran (foundations award), NHS Ayrshire & Arran Sexual Health, and NHS Tayside Sexual Health and BBV Service have all achieved the LGBT Charter. In NHS Dumfries and Galloway, several departments have achieved the LGBT Charter, including their Operations Directorate, and Speech and Language Therapy, Specialist Drug and Alcohol, Public Health, Sexual Health, and CAMHS & Issu18 services.

Organisations and departments that have achieved the LGBT Charter have said it results in a big change in people's attitudes and that staff are more comfortable talking about LGBT issues and identities. They are also more confident when working with LGBT young people and are able to challenge inappropriate behaviour. Undertaking the LGBT Charter means that LGBT children and young people can access more inclusive health services that are fully prepared to deal with their specific needs.

- *Read more about the LGBT Charter programme.*<sup>194</sup>

<sup>193</sup> CRC/C/GBR/CO/5: Para: 59

<sup>194</sup> LGBT Youth Scotland (2017). *The LGBT Charter*. <http://bit.ly/2Bcb4lk> [Date accessed: 16.11.17].

# Royal Hospital for Sick Children in Edinburgh with Children's Health Scotland

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We ensure that children and young people with long term health conditions have access to the services and support they need (Article 24).

## Introduction

Children and young people with long term health conditions face many challenges in all aspects of their lives. Self-management allows them to manage these challenges by providing them with access to information and developing skills that will enable them to live independently and on their own terms. It means that children and young people with long term health conditions are empowered to take charge of their condition and its impact on their lives.

## Supporting children and young people with long-term health conditions – Self-Management Programmes

Since 2015 Children's Health Scotland, formerly known as Action for Sick Children Scotland, has been working in partnership with the Royal Hospital for Children in Edinburgh to deliver a self-management project to support children and young people with long term health conditions. The project has been partly funded by the Edinburgh Children's Hospital Charity. Most referrals come from hospital staff including paediatric consultants, specialist nurses, or CAMHS staff.

There are two programmes available, one for children aged eight to 11 and one for young people aged 12 to 17 years. These are run by facilitators who work to build children and young people's confidence and to improve their understanding of self-management and NHS structures. The project also aims to help them deal with emotions and to communicate with family, friends, and healthcare professionals. This is done through a programme of six workshops which includes activities such as storyboard, self-reflection, and learning mindfulness techniques.

The project supports children and young people with a variety of long-term health conditions including arthritis, epilepsy, diabetes and chronic fatigue. Children and young people who have taken part have given very positive feedback. An external evaluation in 2016 showed that 84% reported improved self-confidence and 74% felt they had improved knowledge of support available to them. Most children and young people also reported an improvement to their self-esteem, their communication skills and their ability to talk openly about their conditions after taking part in the project.

They said:

***I get involved with others, I used not to ... I started to do stuff with my friends.***

***I know that I can go out and do stuff when I don't feel quite as well.***

Clinicians also reported seeing improvements on their patient's progress. They said:

***She's more aware of what might be available, how to ask for it, and what she can refuse.***

***He's certainly communicated better in clinic with me and been more positive.***

Children's Health Scotland continues to run the programmes in the Lothian area.

- [Read more about Children's Health Scotland self-management programme.](#)<sup>195</sup>

<sup>195</sup> Children's Health Scotland (2017). *Lothian Self-Management*. <http://bit.ly/2jT1aAV> [Date accessed: 16.11.17].

We provide resources and support for children and young people in order to meet their mental health needs (Article 24).

### Introduction

Mental health and wellbeing is an issue that has been highlighted as a priority for children and young people by several authorities in their Children's Services Plans. For example, both Aberdeenshire Council<sup>196</sup> and Shetland<sup>197</sup> made mental health one of their Strategic Priorities in their plans. Children and young people themselves also raised mental health as one of their biggest concerns during surveys and events that were held to consult on the plans. Young people in Aberdeen City,<sup>198</sup> East Lothian,<sup>199</sup> and Orkney Islands<sup>200</sup> told their local authorities that mental health was one of the most pressing issues for them and their peers. Last year, the UN Committee recognised the importance of children and young people's mental health and made several recommendations on the subject, including that states should 'rigorously invest' in child and adolescent mental health services.<sup>201</sup>

### Ensuring children and young people are mentally flourishing – a Mental Health and Wellbeing Strategy

Aberdeenshire highlighted Children and Young People's Mental Health as one of five priorities in their Integrated Children's Services Plan. A Mental Health and Wellbeing Strategy has been developed by the GIRFEC Mental Health and Wellbeing Group and this was launched in 2016 with the aim of ensuring all children and young people are mentally flourishing. The Strategy places a strong emphasis on how important the voices of children and young people are in improving mental health and wellbeing within communities.

The Strategy was launched last year at a half day event that took place at Pittodrie stadium in Aberdeen. Those who attended include sports professionals, head teachers, school nurses, social workers, health visitors, council staff, and organisations from the third sector. Children and young people and parents and carers also attended. At the launch, two films were shown which had been made by groups of young people as part of a project with the charity Fixers. These films highlighted mental health issues among young people, including how it might make them feel when they're stereotyped by their appearance. Young people also took part in workshops on mental health issues throughout the day with other delegates. They were involved in discussions with the professionals who attended the launch and were able to voice their views about the Strategy.

Following the launch of the Strategy, the Mental Health and Wellbeing Group formulated an Action Plan. The Action Plan involved building participation of children and young people into the local authority's approach to improving mental health and wellbeing in the area. The Mental Health and Wellbeing Group have also been supporting Aberdeenshire's Pupil Participation Forum, which involves children and young people of school age. The Forum recently rated mental health and wellbeing as one of their key priorities and is considering ways in which they can conduct more research on the issue with young people living in Aberdeenshire. They have devised a questionnaire on mental health and wellbeing which they will circulate in schools. They will then use data from this questionnaire to explore how young people in the area can be supported.

The Mental Health and Wellbeing Group intend to continue to involve children and young people as much as possible when considering ways to implement the Strategy in Aberdeenshire.

- [View Aberdeen Council's Mental Health and Wellbeing Strategy.](#)<sup>202</sup>

<sup>196</sup> Aberdeenshire Children's Services Plan 2017-2020 (2017). <http://bit.ly/2Bcb6cW>. [Date accessed: 30.10.17].

<sup>197</sup> Shetland's Integrated Children's Services Plan 2017-2020 (2017). <http://bit.ly/2Bcb6JY> [Date accessed: 30.10.17].

<sup>198</sup> Aberdeen City Integrated Children's Services Plan 2017-2020 (2017). <http://bit.ly/2Bcb7h0> [Date accessed: 30.10.17].

<sup>199</sup> East Lothian Children's Services Plan 2017-2020 (2017). <http://bit.ly/2Bcb8S6> [Date accessed: 30.10.17].

<sup>200</sup> Orkney's Integrated Children's Services Plan 2016-2018 (2016). <http://bit.ly/2Bcb9Wa> [Date accessed: 30.10.17].

<sup>201</sup> CRC/C/GBR/CO/5: Para: 61

<sup>202</sup> GIRFEC Aberdeenshire (2016). *Mental Health and Wellbeing Strategy 2016-2019*. <http://bit.ly/2Bcb0e> [Date accessed: 16.11.17].



We provide support to children and families, where this is within our authority responsibilities, to meet children's essential needs in relation to food, clothing and housing (Article 27).

### Introduction

In 2016, the UN Committee recommended that Scotland and the UK set clear targets to reduce child poverty and have a clear focus on child poverty in any poverty reduction strategies.<sup>203</sup> Recommendations were also made regarding welfare reform, child hunger and nutrition, and homelessness.<sup>204</sup> More recently, campaigners have called attention to period poverty,<sup>205</sup> which occurs when girls and women cannot afford sanitary products, or when buying sanitary products pushes them further into poverty. There are a range of projects across local authorities in Scotland that work to support children and young people who are affected by poverty. The case study below describes one of the first projects to try and tackle period poverty.

### Tackling period poverty

The issue of period poverty has been highlighted by several organisations, MSPs, and MSYPs recently after research has showed that some women and girls are unable to afford sanitary products.<sup>206</sup> In response, a pilot project started in Aberdeen to ensure women and girls from low-income families can access sanitary products. The Scottish Government also addressed period poverty in the 2017 Programme for Government and has committed to providing access to free sanitary products to students in schools, colleges and universities. As well as an increased awareness of the issue at national government level, local authorities have also been taking steps to mitigate the effects of period poverty.

North Lanarkshire Council announced in September that all secondary schools in the area will be stocked with free sanitary products. Free dispensing machines will be installed in toilet facilities of 23 schools across the area which will make a range of sanitary products available. The project will be funded by the Council and will cost around £25,000 to run.

Members of North Lanarkshire Council voted in favour of the pilot project following ongoing research which was carried out by a working group. The group was set up to explore ways in which the Council could support families affected by poverty, looking at issues including school uniform, health and wellbeing, homework and school trips. They consulted with schools and other council centres to find out more about levels of poverty and strategies that were being used by staff to tackle poverty. Councillors then voted to make sanitary products freely available at schools and colleges in order to try and alleviate the stigma and the difficulties faced by those who cannot afford them. The Council has welcomed the Scottish Government commitment to provide free sanitary products but has said that they wish to progress this approach immediately while the Scotland-wide policy is being developed.

North Lanarkshire Council will also consider rolling out the scheme to other facilities such as leisure centres, libraries and community hubs if the pilot scheme in schools is a success.

- [Find out more about North Lanarkshire's Period Poverty scheme.](#)<sup>207</sup>

<sup>203</sup> CRC/C/GBR/CO/5: Para: 71.

<sup>204</sup> CRC/C/GBR/CO/5: Para 67 and 71.

<sup>205</sup> Scottish Parliament (2017). *Proposed Sanitary Products (Free Provision)(Scotland) Bill*. <http://bit.ly/2Bcbc4i> [Date accessed: 16.11.17].

<sup>206</sup> BBC News (2017). 'Girls "too poor" to buy sanitary protection missing school'. <http://bbc.in/2Bcz3kF> [Date accessed: 16.11.17].

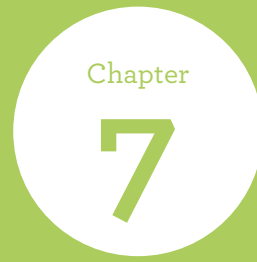
<sup>207</sup> North Lanarkshire Council (2017). *North Lanarkshire ends period poverty in schools*. <http://bit.ly/2BcbcRQ> [Date accessed: 16.11.17].



RIGHTS

Have





# Education, Leisure and Culture

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## 7. Education, Leisure and Culture

### Introduction

These articles give every child the right to an education that will help them achieve their potential. The UNCRC is clear that education should be child-centred and empowering and strengthen their capacity to enjoy the full range of children's human rights including their right to express their views and participate in all aspects of their education.

- Article 28: right to education
- Article 29: goals of education
- Article 30: children from minority or indigenous groups
- Article 31: right to leisure, play and culture.

### International recommendations

The UN Committee, other Treaty Bodies and the 2017 UPR have made many recommendations to be taken forward across Scotland and the UK to make sure all children enjoy high-quality and inclusive educational and play experiences. Some of these recommendations – such as reducing the effects of social background on school achievement,<sup>208</sup> ensuring access to quality early childhood development services,<sup>209</sup> delivering children's rights education and funding play and recreational activities<sup>210</sup> and involving children in the planning and design of play activities<sup>211</sup> – are being taken forward through some of the case studies included in this chapter. To progress children and young people's rights in Scotland, public bodies should consider taking forward other recommendations, such as a ban on informal school exclusions and the use of permanent or temporary exclusion as a last resort,<sup>212</sup> ending the use of isolation (or 'time out') rooms in all educational settings,<sup>213</sup> ensuring play and recreational opportunities for all age groups,<sup>214</sup> and providing children with a disability with safe, accessible spaces for play and public transport to such spaces.<sup>215</sup>

### Guidance from the UN Committee

The following general comments from the UN Committee set out best practice on how to take these areas of work forward:

- General Comment 1: *The Aims of Education*.<sup>216</sup>
- General Comment 17: *The Right of the Child to Rest, Leisure, Play, Recreational Activities, Cultural Life and the Arts*.<sup>217</sup>

### National overview

Scottish Government's commitment to close the educational attainment gap has been widely welcomed. Disproportionately high exclusion rates continue to impact the most vulnerable groups of children and young people, and informal exclusions are still used in schools.<sup>218</sup> Evidence shows that even though the use of 'time out' spaces has declined in schools, it is still used frequently.<sup>219</sup> Whilst progress has been made in delivering human rights education, there is still much more to be done to avoid a piece-meal approach and to make sure that all children are involved in decisions about their learning.<sup>220</sup> Positively, the ongoing Education Governance Review sets out a commitment to pupil participation and is included in the Empowering Schools consultation for the forthcoming Education Bill.<sup>221</sup>

Scottish Government's 2013 Play Strategy is now led primarily by the Third Sector. Scottish Government, Education Scotland and YouthLink Scotland introduced a National Youth Work Strategy 2014-2019. There is a body of evidence supporting the benefits of both play and youth work, although access to suitable funding is difficult to obtain.<sup>222</sup> More could be done to involve children and young people in planning, designing and monitoring play policies and activities.<sup>223</sup>

### Case studies taking forward children and young people's rights to education, leisure and culture

This chapter explores: the success of the Rights Respecting Schools Award in a secondary school in Glasgow; a strong anti-bullying policy that has impacted on the number of reported incidents of bullying based on race or ethnicity in Angus' schools; the creation of North Ayrshire's Communication Champions network which supports parents and schools to develop children's speech and language skills; the delivery of outdoor play and transport spaces after consultation with children in East Renfrewshire; and Creative Scotland's accessible and inclusive arts programme delivered across island communities in Na h-Eileanan Siar.

<sup>208</sup> CRC/C/GBR/CO/5: Para: 73(a); E/C.12/GBR/CO/6: Para: 66; CERD/C/GBR/CO/21-23: Para: 35; and CEDAW/C/GBR/CO/7: Para: 45(c) and (d).

<sup>209</sup> CRC/C/GBR/CO/5: Paras: 73(f) and (g).

<sup>210</sup> CRC/C/GBR/CO/5: Paras: 75(a).

<sup>211</sup> CRC/C/GBR/CO/5: Paras: 75(c).

<sup>212</sup> CRC/C/GBR/CO/5: Para: 73(b); CRC/C/GBR/CO/5: Para: 73(c); and CERD/C/GBR/CO/21-23: Para: 35.

<sup>213</sup> CRC/C/GBR/CO/5: Para: 73(d).

<sup>214</sup> CRC/C/GBR/CO/5: Paras: 75(a).

<sup>215</sup> CRC/C/GBR/CO/5: Paras: 75(b).

<sup>216</sup> UN Committee (2001). *General Comment 1: The Aims of Education*. <http://bit.ly/2mYMRft> [Date accessed: 16.11.17].

<sup>217</sup> UN Committee (2013). *General Comment 17: The Right of the Child to Rest, Leisure, Play, Recreational Activities, Cultural Life and the Arts*. <http://bit.ly/2As9Ive> [Date accessed: 16.11.17].

<sup>218</sup> Together (2016). *State of Children's Rights in Scotland report*, pp 121-123. <http://bit.ly/2BeiTag> [Date accessed: 10.10.17].

<sup>219</sup> Paterson B., Martin A., Nisbett I. and Leadbetter D. (2011). *The use of time-out and seclusion in Scottish schools: A matter for concern?* <http://bit.ly/2e6YagI> [Date accessed: 10.10.17].

<sup>220</sup> Children in Scotland (2014). *Final Report on the Leaders of Learning Project. Leaders of Learning*.

<sup>221</sup> See Scottish Government (2016). *Empowering teachers, parents and communities to achieve Excellence and Equity – A Governance Review*. <http://bit.ly/2e74ZyE> [Date accessed: 10.10.17].

<sup>222</sup> Together (2016). *State of Children's Rights in Scotland report*, pp 126 and 128. <http://bit.ly/2BeiTag> [Date accessed: 10.10.17].

<sup>223</sup> *Ibid.* p 128. <http://bit.ly/2BeiTag> [Date accessed: 10.10.17].

We ensure that all children and young people access their right to an education that develops their abilities to their fullest potential (Article 29).

### Introduction

In 2016, the UN Committee called for children's rights to become part of the curriculum.<sup>224</sup> Research shows improved attainment levels when rights based education is adopted across all aspects of school life, rather than as an addition to mainstream education.<sup>225</sup> This is the aim of UNICEF UK's 'Rights Respecting Schools Award' (RRSA) programme. Over half of all schools in Scotland are registered for the programme. Evidence shows that the RRSA can have a profound impact on pupils, schools and the wider community when children's rights are introduced and reinforced.<sup>226</sup>

### Drumchapel's Rights Respecting School

Drumchapel High School was the first secondary school in Glasgow City Council to become a Rights Respecting School. The area of Drumchapel is undergoing major regeneration and the school is at the centre of the community rebuilding process.

***We had a number of challenges, including the school feeling very divided. The RRSA has given us all a focus and has been about re-developing our ethos, and working together – Headteacher***

Drumchapel High School has undertaken a huge variety of training, projects and events over three years to reach Level 1 RRSA. Working groups were initially set up between pupils, staff and community members to decide how to become Rights Respecting. Pupils led training sessions and were encouraged to be honest about their school and how they were taught. Children's rights were explored through different creative activities and local primary schools were included in discussions.

***The RRSA has helped us to question practice, what we are doing, how we are nurturing our pupils. Rights are central to that – Headteacher***

A whole school charter was developed and is displayed around the school. Pupils and staff reviewed each subject of the curriculum to find areas where rights education could be strengthened. Rights are now understood by pupils, staff and increasingly, the wider community. Pupils say they feel valued, confident and listened to and as a result, relationships with staff have improved.

Pupils are supported to speak at assemblies, join pupil voice groups and even to run their own school radio station. At pupils' suggestions, the school has introduced school blazers, created 'graffiti walls' to write encouraging messages to each other, and made sure the school library is open on a Saturday to support senior pupils to have a safe place to study. The Rights Respecting programme has been credited by the school with the continual increase in attendance and attainment, including a substantial improvement in the 2016/17 National 5 level qualifications.<sup>227</sup>

***The school environment is so good, I was nervous at first to start high school but after coming and seeing that we were a rights respecting school and how important it was to the staff but importantly pupils made me feel at ease. I want to make sure that each year when new S1s start they feel as welcomed and as a part of it as I did. – Pupil at Drumchapel High School***

Following its success, Drumchapel High School has been approached by many schools from across Glasgow on the impact of RRSA. Supported by UNICEF UK, staff have hosted city-wide e-training sessions, resulting in an online network of staff and schools supporting each other to become Rights Respecting Schools. Drumchapel High School will now be working towards Level 2 RRSA.

- Find out more about Drumchapel High School.<sup>228</sup>
- Read more about how to get involved in Rights Respecting Schools.<sup>229</sup>

<sup>224</sup> CRC/C/GBR/CO/5: Para: 73(g).

<sup>225</sup> CYPCS (2015). How Young People's Participation in School Supports Achievement and Attainment. <http://bit.ly/2Bcbgky> [Date accessed: 11.10.17].

<sup>226</sup> Sebba, J. and Robinson, C. (2010). Evaluation of UNICEF UK's Rights Respecting Schools Award. <http://bit.ly/2Bcbh86> [Date accessed: 11.10.17].

<sup>227</sup> See Drumchapel High School: School level data. <http://bit.ly/2Bcz4Ff> [Date accessed: 11.10.17].

<sup>228</sup> Drumchapel High School (2017). <http://bit.ly/2i1ipzu> [Date accessed: 16.11.17].

<sup>229</sup> UNICEF (2017). Rights Respecting Schools Award. <http://bit.ly/2jSYjbd> [Date accessed: 16.11.17].

# Angus Council with the Coalition for Racial Equality and Rights (CRER) and Respectme

We aim to ensure that all children do not experience any form of discrimination in their education, regardless of their circumstances (Article 28).

## Introduction

Children and young people value the right to an education that meets their needs, where they are understood, valued and listened to.<sup>230</sup> However, many experience bullying and discrimination, which can make their educational experiences negative, challenging or short-lived. Research shows that bullying based on race or ethnicity is the most common form of prejudice-based bullying in Scotland.<sup>231</sup> Research has also shown how exposure to prejudice harms the wellbeing of minority ethnic pupils.<sup>232</sup> In 2016, the UN Committee recommended that incidences of bullying at school be monitored and that pupils be involved in developing these monitoring processes.<sup>233</sup> Recording data on prejudice-based bullying is vital to developing strategies to tackle this issue. A major barrier to the monitoring of bullying based on race or ethnicity is a lack of understanding amongst teachers and institutions around how to respond to these incidents.<sup>234</sup> This results in inconsistent or no recording from school to school.

## Data collection on prejudice-based bullying

The Coalition for Racial Equality and Rights (CRER) has carried out research on the extent of racist incidents in schools. Particularly positive in their review was the work of Angus Council, who since 2009 have developed a robust Anti-Bullying Policy informed by Respectme. The Policy – updated in 2015 – is designed to advise school anti-bullying policies and procedures across the local authority. It has a clear focus on race, gender, sexual orientation and disability as well as other equality issues. It outlines several interventions that can be used by teachers after a prejudice-based incident and links to useful resources and training.

There is a clear process in place when prejudice-based bullying occurs. An incident report is sent to the local authority if the bullying is based on a characteristic protected under Hate Crime legislation, such as race or ethnicity. The local authority passes this to Police Scotland if required.

Importantly, Angus Council recognise the need to involve all pupils in the development, review and implementation of each school anti-bullying policy. Pupil inclusion is part of a wider educational aim of helping pupils to form views on social justice and to take part in decisions that affect them.

***All staff, pupils, parents and support agencies should have a knowledge and understanding of the anti-bullying procedures, thus ensuring a consistent whole school approach. – Angus Council's Anti-Bullying Policy***

CRER first reported Angus Council's Anti-Bullying Policy as being of a good standard in 2012.<sup>235</sup> It is particularly clear in dealing with racist incidents and recording procedures. In its recent research, CRER observed a rise in the number of reported incidents of bullying based on race or ethnicity in most schools, with Angus Council reporting the most significant increase. This rise is likely to be linked with the awareness raising impact of the Policy over the previous 5 years.

Only 22 out of the 32 Scottish local authorities submitted any information on prejudice-based bullying or racist incidents in their schools as part of CRER's recent research. All local authorities reported on prejudice-based bullying or racist incidents in their schools in the 2012 review, so this shows a decline in reporting standards. CRER are clear that the higher numbers of reported incidents seen in Angus reflect strong policies, an understanding amongst pupils and teachers of when a racist incident has occurred, and a focus on monitoring systems. This ensures that schools are able to appropriately support both the pupil being bullied and the pupil displaying bullying behaviours.

- Read Angus Council's Anti-Bullying Policy.<sup>236</sup>

<sup>230</sup> Article 12 in Scotland (2015). *I Witness: The UNCRC in Scotland Young People's Voices*. <http://bit.ly/2e6TlhQ> [Date accessed: 12.10.17]

<sup>231</sup> Lough Dennell and Logan (2015). *Prejudice-based bullying in Scottish schools: A research report*. <http://bit.ly/2BeX4aP> [Date accessed: 12.10.17].

<sup>232</sup> Arshad et al (2005). *Minority Ethnic Pupils' Experiences of School in Scotland*. <http://bit.ly/2BeVMws> [Date accessed: 12.10.17].

<sup>233</sup> CRC/C/GBR/CO/5: Paras: 49(a).

<sup>234</sup> Scottish Parliament Equalities and Human Rights Committee (2017). *It is not Cool to be Cruel: Prejudice based bullying and harassment of children and young people in schools*. <http://bit.ly/2BbHrR7> [Date accessed: 12.10.17].

<sup>235</sup> CRER and Glasgow City Council (2012). *Racist incident reporting in Scotland's schools*. <http://bit.ly/2BfredN> [Date accessed: 12.10.17].

<sup>236</sup> Angus Council (2015). *Anti-Bullying Policy*. <http://bit.ly/2Bd1sH2> [Date accessed: 16.11.17].

We ensure that early learning and childcare and school environments support children and young people's participation in all aspects of the Curriculum for Excellence (Article 28).

### Introduction

There are significant differences between children's early outcomes in Scotland, particularly in early speech and language skills.<sup>237</sup> Strong early language skills underpin children's achievement across the curriculum and are critical to children's future life chances in higher education and employment.<sup>238</sup> In 2016, the UN Committee recommended increasing access to quality early childhood development services.<sup>239</sup> Commitments by local authorities to increase the number of speech and language networks in early years settings and to strengthen parent/carer engagement in learning is welcomed.

### Supporting speech, language and communication in early learning – Communication Champions network

Since April 2014, North Ayrshire Council has funded two full-time Speech and Language Therapist posts to focus on developing and embedding strategies to support the development of speech, language and communication skills in pre-school children. The team of therapists run a speech and language therapy project to support prevention and early intervention (known as 'SPIN'). SPIN continues the work of several existing initiatives across the local authority in partnership with NHS Ayrshire & Arran which build speech, language and communication skills in parents, childminders, day carers, early educators and communities, and meet individual children's needs in their early years setting.

In the North Ayrshire Children's Services Plan 2016-2020,<sup>240</sup> the SPIN team commit to providing 100% of early years establishments with an active Communication Champion by the end of 2017. Communication Champions are part of a network that receive additional training from the SPIN team and meet regularly to share good practice. Training sessions take place at network meetings and the training topics delivered are requested by practitioners.

Communications Champions are a first point of contact for parents who are concerned about their child and need more information about speech and language development. Champions can offer parent/carer workshops, in nurseries and other early years settings, to pass on information about speech and language development. They also help parents to support their children's language and communication development.

*Parents really like the 'Communication Board' I've set up. I change the display every month and lots of parents take fliers with information about speech, language and communication. They're often surprised and reassured to discover how common certain issues with speech and language are.*

*I would say that 9/10 staff now know how to help children develop their communication skills within the nursery and also how to speak to parents.*

*Staff training has positively impacted on the children's language development and communication skills. We'll continue to use key strategies to ensure that the children in our Early Years Centre are supported effectively. – Communication Champions*

So far, SPIN has provided 93% of early years establishments in North Ayrshire with an active Communication Champion. The network helps to build sustainability in support for speech, language and communication skills, increases the capacity amongst the early years workforce and helps to identify training needs. The SPIN team is currently funded until March 2018.

- Find out more about the many speech, language and communication projects taking place under SPIN.<sup>241</sup>

<sup>237</sup> Save the Children (2015). *Ready to Read: Closing the gap in early language skills so that every child in Scotland can read well.* <http://bit.ly/2jsXAda> [Date accessed: 13.10.17].

<sup>238</sup> Save the Children (2014). *A fair start for every child: Why we must act now to tackle child poverty in the UK.* <http://bit.ly/2Bcz8ot> [Date accessed: 13.10.17].

<sup>239</sup> CRC/C/GBR/CO/5: Para: 73(f).

<sup>240</sup> North Ayrshire Children's Services Strategic Partnership (2016). *Getting It Right for You: North Ayrshire Children's Services Plan 2016-2020.* <http://bit.ly/2BdHvQk> [Date accessed: 13.10.17].

<sup>241</sup> *Care and Support North Ayrshire (2017). It's All About SPIN.* <http://bit.ly/2A5tKFz> [Date accessed: 16.11.17].



## East Renfrewshire Council with the City of Play and Coach House Trust

We provide children and young people with access to play and leisure opportunities and address barriers to inclusive play and leisure. There are sufficient high quality outdoor play and recreation places for children and young people to access including spaces suitable for disabled children and young people (Article 31).

### Introduction

Free play in outdoor environments is essential for the wellbeing and healthy development of children and young people.<sup>242</sup> Barriers to free play outdoors, such as high traffic volumes and unwelcoming public spaces, can be managed through improved planning.<sup>243</sup> In 2016, the UN Committee urged local authorities to involve children and young people in the planning and design of play and leisure activities.<sup>244</sup> Including children and young people in decisions about their built environment impacts positively on communities and empowers those children and young people who are often overlooked in decision making.<sup>245</sup>

### Involving children and young people in planning for outdoor spaces

Funding from East Renfrewshire Smarter Choices Smarter Places (SCSP) helped to deliver initiatives in Newton Mearns that encouraged active travel. With a particular focus on the Capelrig Way path network, St Cadoc's Primary School Parent Council saw this as an opportunity to create a new space to benefit the school and children in the community. A proposal was developed to create attractive gateways and signs, carved stone sculptures linked with the local heritage trail, new outdoor school and community space near St Cadoc's Primary School and resources to expand active travel promotion across local schools.

To deliver the project, East Renfrewshire Council partnered with the City of Play, a non-profit architectural group who promote children's right to play and be heard, and the Coach House Trust who aim to promote social and economic inclusion in communities.

The consultation process for the outdoor space involved discussions with a local Forest School class including children with additional support needs around what they thought of the outdoor space and its purpose, and what positive messaging they could create to encourage others to use the new space responsibly. The children sketched out their ideas to create layout and signs.

The resulting new outdoor space provides a new accessible outdoor classroom which provides the base for Forest School activities, a natural play space, a school pickup area and small park adjacent to a local path, and a semi-natural urban greenspace.

As part of the project, East Renfrewshire Council are supporting East Renfrewshire Culture and Leisure's 'Scoot to School' pilot programme which teaches and empowers pupils from three local primary schools to learn to scoot as part of the curriculum. The sessions focus on control, stopping and safety. Following the sessions, an incentive scheme will be rolled out to encourage the children involved to scoot to school on a regular basis.

Since the programme began the Capelrig Way is being used more. This case study demonstrates the impact of involvement and ownership by children, schools and the wider community in planning for outdoor spaces and built environments.

***I have no doubt that this project has enriched all people who walk past or use the space as well as the Capelrig Way as a place. – Green Network Project Officer at East Renfrewshire Council***

- Find out more about the 'Scoot to School programme'.<sup>246</sup>
- View the City of Play's strategy to include the voices of children and young people in planning for play in public spaces, developed for local authority use.<sup>247</sup>

<sup>242</sup> Play Scotland (2012). *Getting it Right for Play*. <http://bit.ly/2e726xV> [Date accessed: 16.10.17]; Gleave, J. & Cole-Hamilton, I. (2012).

*A world without play: A literature review*, pp 14-15. <http://bit.ly/2e6Z50L> [Date accessed: 16.10.17].

<sup>243</sup> Wood, J. (2015). *Can we plan for and with children?* Heriot-Watt University. <http://bit.ly/2hQmXV0> [Date accessed: 16.10.17].

<sup>244</sup> CRC/C/GBR/CO/5: Paras: 75(c).

<sup>245</sup> Wood, J. (2016). *Space to Participate: children's rights and the Scottish town planning system*. PhD Thesis, Edinburgh: Heriot-Watt University [not published online]; UNICEF (n.d.) *Children & Young People: Participating in Decision-Making*. <http://uni.cf/2BeX5LV> [Date accessed: 16.10.17].

<sup>246</sup> East Renfrewshire Culture and Leisure (2017). *Scoot to School Project*. <http://bit.ly/2BdMtNg> [Date accessed: 16.11.17].

<sup>247</sup> City of Play (2017). *Masterplanning: Play Sufficiency Analysis and Strategy Development*. <http://bit.ly/2Bdb0lv> [Date accessed: 16.11.17].

## Creative Scotland with An Lanntair

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Children and young people have access to and can participate in a range of arts and cultural opportunities (Article 31).

### Introduction

Play, leisure and culture opportunities are essential for children and young people's physical and emotional wellbeing, adaptability, resistance to stress and anxiety, risk assessment, ability to form friendships, language development and problem solving abilities.<sup>248</sup> In 2016, the UN Committee recommended improved opportunities for play and recreational activities that are age-appropriate.<sup>249</sup> Across Scotland, there is a need for inclusive spaces and access to opportunities where young people as well as children can play, gather and be social and active.

### Supporting children and young people's access to the arts

Time to Shine (TTS) is Scotland's National Youth Arts Strategy,<sup>250</sup> launched in 2014 and managed by Creative Scotland. The Strategy sets out a vision to support Scotland's children and young people to flourish and achieve in and through the arts and creativity. The opportunities for children and young people to get involved are wide ranging, innovative and based on an understanding of the barriers they may face in the arts. It includes support for children and young people to get into employment, work experience, learning, leadership, empowerment and volunteering.

To give an example, Uncharted is a programme of diverse arts activities funded by Creative Scotland and delivered by An Lanntair across the Outer Hebrides. The programme equips community centres as 'Art Labs', engages rural primary schools in a 'School Run' project to creatively record and map their journeys to and from school, has developed the 'Channel' website to showcase the experiences of pupils from Stornoway's high school, and to transform bus shelters in Lewis using young people's art work.

Uncharted has already involved around 300 children and young people aged 5 to 25 in over 160 hours of free arts activity in areas which previously had no provision. Children and young people led the activities, recruited the artists, designed the website and chose which art forms to explore. Through collaborating with skilled professionals and taking part in a continuous nurturing programme, children and young people say they have developed transferable skills such as decision making, creative thinking and problem-solving and it has boosted their aspirations for the future.

The programme discovered a need to raise awareness of the benefits of arts activities for children and young people and their communities to ensure that access to the arts and cultural opportunities are prioritised.

The National Youth Advisory Group is an important part of achieving TTS's aim of empowering and involving young people. The group have started a 'Nurturing Talent' fund for young people aged 14-20 to apply for funding towards developing their skills in the arts. The National Youth Arts Advisory Group oversees the fund, they developed the guidelines and assess the applications.

The fund aims to support young people's creative work, regardless of geography, affordability or disability. Recipients in the latest round of funding include young people from across the Highlands and islands including a dancer from Shetland who will enrol in training at Glasgow Clyde College and an artist and writer from Oban who will be able to publish her poetry collection.

***We have been able to witness the ways in which the strategy has empowered young people by providing work placements, internships and volunteering opportunities. It is clear these experiences have built invaluable skills relevant to any career and offered supportive networks that prioritise inclusion and self-worth. – Member of the National Youth Advisory Group***

- *Read more case studies and an evaluation of Time to Shine, Scotland's National Youth Arts Strategy 2014-2024.*<sup>251</sup>
- *Visit the Uncharted website.*<sup>252</sup>

<sup>248</sup> Scottish Government (2015). *Play Strategy for Scotland: Evidence, Outcomes and Logic Models*. <http://bit.ly/2e6YaNK> [Date accessed: 17.10.17].

<sup>249</sup> CRC/C/GBR/CO/5: Paras: 75(a).

<sup>250</sup> Creative Scotland (2013). *Time to Shine: Scotland's Youth Arts Strategy for Ages 0-25*. <http://bit.ly/2e728px> [Date accessed: 17.10.17].

<sup>251</sup> Creative Scotland (2017). *Evaluation of the Implementation of Time to Shine*. <http://bit.ly/2Bd2tPr> [Date accessed: 16.11.17].

<sup>252</sup> Uncharted Art (2017). <http://bit.ly/2iNHefx> [Date accessed: 16.11.17].

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Chapter

8

# Special Protection Measures

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## 8. Special Protection Measures

### Introduction

These articles set out the rights of vulnerable and marginalised children who require special protection. This includes children who are in custody or detention, who are migrants, refugees or asylum seekers or who are victims of torture, trafficking, sexual exploitation, drug abuse and child labour. These are often the children who are most at risk of having their rights ignored or infringed.

- Article 22: refugee children
- Article 30: children from minority or indigenous groups
- Article 32: child labour
- Article 33: protection from drug abuse
- Article 34: protection from sexual exploitation
- Article 35: prevention of abduction, sale and trafficking of children
- Article 36: protection from other forms of exploitation
- Article 37(b-d): arrest, detention and imprisonment of children
- Article 38: war and armed conflict
- Article 39: recovery from trauma and reintegration
- Article 40: juvenile justice.

### International recommendations

In 2016, the UN Committee made several recommendations about groups of vulnerable children that require special protection measures. These included raising the minimum age of criminal responsibility and the minimum age for recruitment into the armed forces. Recommendations were also made on children in the juvenile justice system and child victims of crime. They also covered asylum-seeking, refugee and migrant children in detail with recommendations made on data collection, family reunion and unaccompanied children, child detention, and access to basic services. Other Treaty Bodies have echoed these recommendations, including CESCR,<sup>253</sup> CEDAW<sup>254</sup> and CAT.<sup>255</sup>

### Guidance from the UN Committee

The following general comments from the UN Committee set out best practice on how to take these areas of work forward:

- General Comment 6: *Treatment of Unaccompanied and Separated Children Outside their Country of Origin*<sup>256</sup>
- General Comment 10: *Children's Rights in Juvenile Justice*<sup>257</sup>
- General Comment 11: *Indigenous Children and their Rights Under the Convention*<sup>258</sup>

### National overview

Scottish Government has committed to raising the minimum age of criminal responsibility from eight to twelve, in line with accepted international standards.<sup>259</sup> A consultation was also launched this year by Scottish Government to explore ways that the use of pre-recorded evidence for child witnesses can be expanded.<sup>260</sup> Legislation around asylum-seeking children is still, for the most part, devolved to Westminster. The number of children brought to the UK under the 'Dubs amendment', which was a scheme established to help unaccompanied refugee children live in the UK, has been limited to less than 500 and no children have been brought to the UK under the Amendment this year.<sup>261</sup>

### Case studies taking forward children and young people's rights to special protection measures

This chapter will highlight examples of good practice by public bodies including: a family keywork service for refugee families managed by the Scottish Refugee Council and supported by Glasgow City Council; the Stop to Listen programme which is taking place across four local authorities; the IMPACT programme which involves a partnership with Police Scotland that aims to keep young offenders out of the criminal justice system; and work around trauma, bereavement and loss supported by the Scottish Prison Service at Her Majesty's Youth Offender's Institution Polmont.

<sup>253</sup> E/C.12/GBR/CO/6: Para: 35.

<sup>254</sup> CEDAW/C/GBR/CO/7: Para: 39, 41, 55 and 57(b).

<sup>255</sup> CAT/C/GBR/CO/5: Para: 27, 31 and 32.

<sup>256</sup> UN Committee on the Rights of the Child (2005). *General Comment 6: Treatment of Unaccompanied and Separated Children Outside of their Country of Origin*. <http://bit.ly/2Bdy17S> [Date Accessed: 16.11.17].

<sup>257</sup> UN Committee on the Rights of the Child (2007). *General Comment 10: Children's Rights in Juvenile Justice*. <http://bit.ly/2BdMY9R> [Date accessed: 16.11.17].

<sup>258</sup> UN Committee on the Rights of the Child (2009). *General Comment 11: Indigenous Children and their Rights Under the Convention*. <http://bit.ly/2BdMZKX> [Date accessed: 16.11.17].

<sup>259</sup> Scottish Government (2017). *A Nation with Ambition: The Government's Programme for Scotland 2017-18*, p.14. <http://bit.ly/2Bd2nHz> [Date accessed: 13.11.17].

<sup>260</sup> Scottish Government (2017). *Consultation on Pre-Recording Evidence of Child and Other Vulnerable Witnesses*. <http://bit.ly/2BdbOC1/> [Date accessed: 13.11.17].

<sup>261</sup> The Guardian (2017). *UK has not taken in any child refugees under Dubs scheme this year*. <http://bit.ly/2BdN1m3> [Date accessed: 13.11.17].

## Glasgow City Council with the Scottish Refugee Council

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We assess the numbers and situation of children and young people and their families who are asylum seeking and are migrants in order to provide them with services and support (Article 22).

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### Introduction

In 2016, the UN Committee made many recommendations relating to asylum-seeking, refugee and migrant children.<sup>262</sup> As legislation on refugees and asylum seekers remains devolved to Westminster, the Scottish Government is limited in how it can take some of these recommendations forward. However, steps can be taken to support asylum seekers and refugees, including children and young people, to access basic services. The following case study demonstrates how a public body can improve access to services for refugee and asylum seeking children and families.

### Support and advocacy for families seeking asylum – Family Keywork Service

The Scottish Refugee Council runs a Family Keywork Service to provide advice, advocacy and support to families seeking asylum. It offers specialised advice and support to families with young children aged 0-8 years-old and pregnant women who have recently entered the asylum process. Families can access support from the service for at least six months after their arrival in Scotland. The Family Keywork Service was previously funded by the Scottish Government and delivered with Glasgow City Council and the NHS. Since March 2016 it has been funded by Glasgow City Council.

Most referrals for the service in Glasgow come from charity Migrant Help, which is contracted by the Home Office to assist people with asylum support applications. Other referrals come from the Home Office, solicitors, social work and health professionals, and other charities.

The focus of the service is the wellbeing and rights of children and their parents. The core principles of the UNCRC are embedded into the service. Those who access the service are supported in a variety of ways: After an initial appointment, the development of a family support plan begins which is reviewed at regular intervals with the family. These plans cover education, health, and social connections. The service also supports families through the main stages of the asylum process. In addition, outreach activities such as family days out are also organised, and families can contact the service in times of crisis or concern. This support is delivered through interventions such as parenting groups, a drop-in surgery, service user feedback sessions, empowerment classes, and accompanying families to appointments.

Evaluations of the service have shown that the Family Keywork Service has positive outcomes for families in many aspects of their life. Many people who access the service feel that they can talk openly with their keyworker and that the keywork relationship encourages disclosure of information, which is important for identification of need as well as successfully presenting asylum cases to the Home Office. The service also makes families more aware of the benefits that they are entitled to and helps to alleviate poverty for service users. It connects families with appropriate childcare and education opportunities.

Families who have accessed the service have given it very positive feedback:

*[It] has been very helpful ... It improved my understanding about asylum, accommodation and everything.*

*Family keywork have changed my kids' life and myself from day one and they make me understand my rights and help my children for a safe home.*

The Scottish Refugee Council aims to expand the Keywork Service and work with more local authorities to support Family Practitioners working with refugee and asylum-seeking families. This will help to achieve improved outcomes for families across Scotland.

- [Read more about the Family Keywork Service.](#)<sup>263</sup>

<sup>262</sup> CRC/C/GBR/CO/5: Para: 77.

<sup>263</sup> Scottish Refugee Council (2017). Family Keywork Service. <http://bit.ly/2BbjV6W> [Date accessed: 16.11.17].

## Perth and Kinross, Glasgow City, Renfrewshire and North Ayrshire Councils with Children 1st

We ensure that children and young people at risk of sexual exploitation or drug use have access to the child protection and specialist support and services they require (Articles 33 and 34).

### Introduction

In 2016, the UN Committee recommended that comprehensive services are developed to support children who are at risk of sexual exploitation or abuse.<sup>264</sup> There is a wide range of work taking place across Scotland to support children and young people who are at risk. In their Integrated Children's Services Plans, many local authorities have outlined steps they are taking to ensure early intervention and prevention of child sexual exploitation (CSE).<sup>265 266</sup> This includes supporting professionals to recognise potential signs of CSE.

### A rights-based approach to child sexual abuse and exploitation – Stop to Listen

Children and young people, and adults abused as children, say that the child protection system does not always help in a way which is truly child-centred in response to concerns around child sexual abuse and exploitation. Stop to Listen is a project hosted by Children 1st and developed by services involved with children and young people to respond to this concern. It focusses on prevention and early identification of need so that children and young people at risk of sexual abuse or exploitation have access to support as soon as possible. Stop to Listen also works to put children and young people at the centre of responses, particularly after they have disclosed information about abuse. This means that the rights and wellbeing of the child should be the primary concern of the professionals involved. Children are given the right amount of time they feel that they need to disclose abuse to professionals. This might mean that the pace of the response from child protection services can be delayed when necessary to fit the needs of the child, even if this means an investigation might take slightly longer.

Four local authority pathfinder areas have been taking Stop to Listen forward with support from Children 1st. These are Perth and Kinross, Glasgow City, Renfrewshire, and North Ayrshire Councils. Each pathfinder area has been making different changes within the local authority to improve the way services respond to children at risk of and affected by sexual exploitation and abuse. For example, all local authorities involved have provided training to staff across various services to increase awareness and understanding of a child-centered approach to trauma. This has included training for police officers, social workers and, in some cases, teachers and those working in sexual health.

After attending training in North Ayrshire, teachers began wearing badges that said "I will Stop to Listen" so that pupils knew they could access support around school. A Practitioner Forum has also been established to share challenges and good practice. This resulted in a letter being sent to parents at one school to inform them of the work being done around the Stop to Listen project.

In Perth and Kinross, a Young Person's Advisory Group on child sexual exploitation has been developed. The local multi-agency steering group is now assessing the possibility of a peer mentoring project after children and young people said that it was easier to talk to their peers than adults. Perth and Kinross also consulted with children and young people to find ways in which they could make their interview suite more child-friendly. After this consultation, the local authority added soft furnishings and toys so that children and young people would feel safe and relaxed when they were being interviewed about sensitive topics.

The Stop to Listen project will be coming to an end in early 2018 after receiving funding for two years. Its aim was to ensure that the changes made to practice and culture are carried forward by the local authorities following the end of the project. Learning from the project will be shared widely across Scotland and could be drawn upon by other local authorities.

- Find out more about Stop to Listen.<sup>267</sup>

<sup>264</sup> CRC/C/GBR/CO/5: Paras: 45(d).

<sup>265</sup> Moray Community Planning Partnership (2017). Children's Services Plan, p. 27. <http://bit.ly/2Bcblom> [Date accessed: 16.11.17].

<sup>266</sup> Shetland Islands Council (2017). Integrated Children's Services Plan, 12. <http://bit.ly/2Bcb6JY> [Date accessed: 16.11.17].

<sup>267</sup> Children 1st (2017). Stop to Listen blog. <http://bit.ly/2A4g6CF> [Date accessed: 16.11.17].

## Police Scotland with Includem

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We provide support to children and young people in response to their needs so that they do not enter the criminal justice system, as far as possible (Articles 37 and 40).

### Introduction

The Scottish Government's 'Preventing Offending: Getting it right for children and young people' strategy, published in 2015, promotes the 'Whole System Approach' to youth justice with an emphasis on prevention and early intervention.<sup>268</sup> One of the main goals of this approach is to make sure children and young people are kept out of the criminal justice system. Projects supported by public bodies, such as the case study outlined below, help to ensure young people who offend receive the support they need in all areas of their life to prevent them from entering the criminal justice system.

### Supporting young people out of the criminal justice system – IMPACT

IMPACT is a support programme which works to keep young people and young adults in Glasgow out of the criminal justice system. Managed by Includem in partnership with Police Scotland, the programme works with young people aged between 14 and 21, particularly those who have experience of violent and persistent offending.

Police Scotland identify young people who it comes into contact with most frequently and who are causing the most harm in their communities. The young people are then visited by a police officer and a worker from Includem and encouraged to participate in the programme. The programme is completely voluntary for the young people.

IMPACT works independently with each person that is referred and supports them in reducing their offending behaviour. This can include preparing them for job or college interviews, helping to strengthen relationships with their families, supporting them to tackle drug or alcohol misuse, and setting long-term goals and ambitions. Young people who take part in the programme receive at least 12 months of support from Includem workers which involves three contact meetings per week and access to a 24/7 helpline.

There are a number of positive outcomes that young people experience after their involvement in the programme. For example, the number of recorded crimes or offences for young people in the programme fell by over 33% in the six months after their participation compared with the six months before they entered the programme. The number of injuries which resulted in a visit to A&E decreased by 38% after involvement in the programme. The estimated social and economic cost of violent offending fell from over £10,000 per offender to just £122. Significant improvements were also seen in areas such as young people's engagement with other services (e.g. NHS), their financial situation, and their misuse of drugs and alcohol.

The Chief Constable of Police Scotland recently visited Includem to discuss the IMPACT project and hear from frontline staff about the positive impact it has on improving the lives of young people. Police Scotland understand that interactions with police might sometimes make matters worse rather than better and their partnership is key in helping identify young people who would benefit in being supported by the IMPACT project.

- [Read more about IMPACT.](#)<sup>269</sup>

<sup>268</sup> Scottish Government. (2015). *Preventing Offending: Getting it right for children and young people*. <http://bit.ly/2BeVLZq> [Date accessed: 10.11.17].

<sup>269</sup> Includem (2017). *IMPACT*. <http://bit.ly/2hPBpNW> [Date accessed: 16.11.17].



# Scottish Prison Service with the Centre for Youth and Criminal Justice

We ensure that children and young people who enter the criminal justice system have the right to fair treatment and legal representation (Article 40).

## Introduction

Article 40 of the UNCRC states that every child who is recognised as having broken the law should be treated in a way which promotes their dignity and worth.<sup>270</sup> In 2016, the UN Committee recommended that children in conflict with the law should always be dealt with within the juvenile justice system.<sup>271</sup> HMYOI Polmont is Scotland's institute for young male offenders. Young men aged between 16 and 21 are serving sentences in Polmont ranging from six months to life. The Scottish Prison Service is taking steps to support young people to have a more positive future. This has included the development of a 'Vision for Young People in Custody'.<sup>272</sup> The following project forms part of this vision and is designed to support young men in custody deal with trauma, bereavement and loss.

## Supporting young people affected by trauma, bereavement and loss at HMYOI Polmont

Staff at HMYOI Polmont were concerned at the pattern of bereavement and loss in the backgrounds of young men entering custody. This prompted the Centre for Youth and Criminal Justice (CYCJ) to undertake research on the bereavement experiences of young men in youth offenders' institutions and the impact it had on their mental health. The study found that young offenders were more likely to have experienced the loss of a parent or more traumatic bereavements such as murder. It also found that some young men felt that their experience of bereavement contributed to their arrival at Polmont.

In response to this research and to help provide support for the young men, HMYOI Polmont developed an approach which they called 'Our Lives with Others'. This approach involved:

- Awareness-raising training of trauma, bereavement and loss for every member of staff working at Polmont. This was delivered by Barnardo's;
- A small pilot service called 'Here & Now' which provides direct intervention and support to young men affected by trauma, bereavement and loss. This is also provided by Barnardo's;
- A move across Polmont to create a more coordinated and 'trauma-informed' response.

HMYOI Polmont report that 'Our Lives with Others' had a positive impact across the whole organisation. The staff training increased awareness of the impact of trauma, bereavement and loss and helped participants to understand the effects of trauma on brain development. The 'Here & Now' service helped to support young men who have experienced bereavement or trauma, such as parental suicide, sexual abuse, or abandonment. After using the service, the young men reported an increase in their ability to concentrate and an improvement in their level of worry and anxiety. Many of those who used the service also felt that they had gained skills to help them deal with their experiences. They reported feeling calmer and happier, and one participant said:

*I'm a lot happier ... I just feel as if I'm smiling a lot.*

The CYCJ has produced a resource in young person-friendly language which explains what trauma, bereavement and loss are, what the 'Here & Now' service does, and how it can be accessed. This was made available to all young people at HMYOI Polmont and shared by Polmont staff.

The Scottish Prison Service has continued to extend funding for the 'Here and Now' service and it is now part of standard provision at HMYOI Polmont.

- Read the CYCJ resource 'Trauma, Bereavement and Loss at Polmont YOI'.<sup>273</sup>

<sup>270</sup> United Nations Convention on the Rights of the Child (1989). Article 40.

<sup>271</sup> CRC/C/GBR/CO/5: Paras: 79(b).

<sup>272</sup> Scottish Prison Service (2014). Vision for Young People in Custody. <http://bit.ly/2zkIvBS> [Date accessed: 30.10.17].

<sup>273</sup> Centre for Youth and Criminal Justice (2017). Trauma, bereavement and loss at Polmont YOI. <http://bit.ly/2Bcz9sx> [Date accessed: 16.11.17].

## Appendix 1: Children’s Rights Reporting Requirements for Public Bodies

The reporting requirements for public bodies, set out in Part 1 of the Children and Young People (Scotland) Act 2014 are as follows:

Legislation	Part 1, Children and Young People (Scotland) Act 2014
Purpose	To reflect the role of the United National Convention on the Rights of the Child (UNCRC) in influencing the design and delivery of policies and services in Scotland.
Public bodies responsible	<ul style="list-style-type: none"> <li>a) A local authority</li> <li>b) Children’s Hearings Scotland</li> <li>c) Scottish Children’s Reporter Administration</li> <li>d) A health board</li> <li>e) A “special health board” (A board constituted under section 2(1)(b) of the National Health Service (Scotland) Act 1978)</li> <li>f) Healthcare Improvement Scotland</li> <li>g) Scottish Qualifications Authority</li> <li>h) Skills Development Scotland</li> <li>i) Social Care and Social Work Improvement Scotland (Care Inspectorate)</li> <li>j) Scottish Social Services Council</li> <li>k) Scottish Sports Council (SportScotland)</li> <li>l) Chief Constable of the Police Service of Scotland</li> <li>m) Scottish Police Authority</li> <li>n) Scottish Fire and Rescue Service</li> <li>o) Scottish Legal Aid Board</li> <li>p) Mental Welfare Commission for Scotland</li> <li>q) Scottish Housing Regulator</li> <li>r) Bord na Gaidhlig</li> <li>s) Creative Scotland</li> <li>t) An integration joint board to which functions in relation to persons under 18 years of age are delegated in pursuance of an integration scheme prepared under section 1 or 2 of the Public Bodies (Joint Working) (Scotland) Act 2014. [inserted by The Public Bodies (Joint Working)(Scotland) Act 2014 (Consequential Modifications and Saving Order 2015 (SSI 2015/157)]</li> </ul>
Reports	As soon as practicable after the end of each 3 year period, the relevant public bodies (listed above) must publish, in such a manner as they consider appropriate, a report on what steps they have taken in that period to secure better, or further effect within its areas of responsibility, of the UNCRC requirements. Two or more of the public bodies (listed above) may publish a report jointly.
Submit reports / information to Scottish Ministers	No. (However, every 3 years Scottish Ministers must lay before the Scottish Parliament a report detailing what steps they have taken to secure better, or give effect further to, the UNCRC requirements in Scotland, and their plans for the next 3 years; to inform this process. Scottish Ministers may use the Children’s Rights Reports of public bodies.)

## Appendix 2: Additional Resources to Support Public Bodies Embed a Children’s Rights-Based Approach

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The following resources are available to support public bodies embed children and young people’s rights into policies and services:

### Scottish Government resources

#### Part 1 Guidance, Children & Young People (Scotland) Act 2014

This non-statutory guidance is issued by Scottish Ministers to provide public authorities with information and advice about how they should fulfil the duties set out in Part 1 of the Children and Young People (Scotland) Act 2014 (Duties of public authorities in relation to the UNCRC). The guidance seeks to establish best practice in relation to the implementation of these duties.

<http://www.gov.scot/Resource/0049/00497083.ppsx>

#### Common Core of Skills, Knowledge, Values and Understanding for the Children’s Workforce

The Common Core describes the skills, knowledge and understanding, and values that everyone should have if they work with children, young people and their families, whether they are paid or unpaid. The skills, knowledge and understanding are described as “essential characteristics” and are set out in two contexts; relationships with children, young people and families and relationships between workers. They are also explicitly cross-referenced to the guiding principles of the UNCRC.

<http://www.gov.scot/Resource/0039/00395179.pdf>

#### Children’s Rights and Wellbeing Impact Assessment (CRWIA)

CRWIA is a useful tool for public bodies to consider the direct or indirect impact of legislative, policy or administrative decisions on children and young people. The use of CRWIA can mainstream international children’s rights principles and standards into local planning, and service design and delivery. Scottish Government has produced a number of resources to support the use of CRWIA:

- *Introducing CRWIA – a 20 minute training tool*  
<http://www.gov.scot/Resource/0049/00497083.ppsx>
- *CRWIA guidance*  
<https://beta.gov.scot/publications/childrens-rights-wellbeing-impact-assessments-crwia-guidance/>
- *CRWIA template*  
<https://beta.gov.scot/publications/childrens-rights-wellbeing-impact-assessments-crwia-templates/>
- *Children’s rights legislation in Scotland – a quick reference guide*  
<https://beta.gov.scot/publications/childrens-rights-legislation-scotland-quick-reference-guide/>

## Other useful resources

### State of Children's Rights report 2016

Together (Scottish Alliance for Children's Rights)'s State of Children's Rights report 2016 looks at whether enough is being done to fulfil the human rights of children living in Scotland. Specifically, it provides a non-government perspective on the extent to which children in Scotland are able to enjoy the human rights enshrined in the UNCRC and other international treaties. It offers a baseline against which progress in implementing recommendations made by the UN Committee and other international treaty bodies can be measured. It also reflects on areas where progress is being made and identifies where further efforts are needed.

<http://togetherscotland.org.uk/pdfs/TogetherReport2016.pdf>

### UN Committee Concluding Observations 2016

In 2016, the UN Committee issued 150 recommendations as to how Scotland and the rest of the UK can achieve compliance with the UNCRC. These point out:

- Areas of concern identified by the UN Committee
- Factors and difficulties impeding implementation of the UNCRC
- Recommendations for future action

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/GBR/CO/5&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/GBR/CO/5&Lang=En)

### PANEL principles

Taking a human-rights based approach is about making sure that people's rights are put at the very centre of policies and practices. The PANEL principles are one way of breaking down what this means in practice:

- *Participation: People should be involved in decisions that affect their rights.*
- *Accountability: There should be monitoring of how people's rights are being affected, as well as remedies when things go wrong.*
- *Non-Discrimination: All forms of discrimination must be prohibited, prevented and eliminated. People who face the biggest barriers to realising their rights should be prioritised.*
- *Empowerment: Everyone should understand their rights, and be fully supported to take part in developing policy and practices which affect their lives.*
- *Legality: Approaches should be grounded in the legal rights that are set out in domestic and international laws.*

<http://www.scottishhumanrights.com/rights-in-practice/human-rights-based-approach/>

### 7 Golden Rules of Participation

The 7 Golden Rules for Participation are a set of principles produced by the Children and Young People's Commissioner for Scotland that anyone working with children and young people can use. They help children and young people tell adults about things that are important to them. They are:

- *Understand my rights*
- *A chance to be involved*
- *Remember, it's my choice*
- *Value me*
- *Support me*
- *Work together*
- *Keep in touch*

<https://www.cypcs.org.uk/education/golden-rules>

## Appendix 3: Credits

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The *State of Children's Rights* report 2017 has been written with support from a wide range of Together members and public bodies across Scotland. It does not necessarily represent in all respects or detail the views of every member of Together, nor every organisation that has contributed to this report. Views expressed separately by Together's members should also be taken into account. Thanks go to the following organisations for sharing their experiences to inform the preparation of this report: :

### Together members and NGOs

An Lanntair  
Angus Women's Aid  
Befriending Networks  
Bright Choices  
Canine Concern Scotland  
Centre for Youth and Criminal Justice  
Charlie's House  
Children 1st  
Children and Young People's Commissioner for Scotland  
Children in Scotland  
Children's Parliament  
Children's Health Scotland  
Children's Parliament  
City of Play  
Clan Childlaw  
Coach House Trust  
Coalition for Racial Equality and Rights (CRER)  
COVEY Befriending  
Down Syndrome Scotland  
East Dunbartonshire Women's Aid  
Enquire  
Families First St Andrews  
Families Outside  
Forces Watch  
Good Shepherd Centre  
Includem  
Inverclyde Health and Social Care Partnership  
LGBT Youth Scotland  
Life Changes Trust  
Positive and Active Behaviour Support Scotland (PABSS)  
Respectme  
Robert Gordon University  
Save the Children  
Scottish Child Law Centre  
Scottish Refugee Council  
Scottish Women's Aid  
Scottish Youth Parliament  
Support from the Start  
Tykes  
UNICEF UK  
Who Cares? Scotland  
Y Sort It  
Year of Young People  
YouthLink Scotland

### Public bodies

Aberdeenshire Council  
Angus Council  
Argyll and Bute Council  
Care Inspectorate  
City of Edinburgh Council  
Creative Scotland  
Dumfries and Galloway Council  
East Ayrshire Council  
East Dunbartonshire Council  
East Lothian Council  
East Renfrewshire Council  
Education Scotland  
Fife Council  
Glasgow City Council  
Glasgow City Health and Social Care Partnership  
Highland Council  
Inverclyde Health and Social Care Partnership  
Moray Council  
NHS Ayrshire and Arran  
NHS Dumfries and Galloway  
NHS Grampian  
NHS Highland  
NHS Lanarkshire  
NHS Tayside  
North Ayrshire Council  
North Lanarkshire Council  
Perth and Kinross Council  
Police Scotland  
Renfrewshire Council  
Royal Hospital for Sick Children  
Scottish Children's Reporter Administration  
Scottish Civil Justice Council  
Scottish Prison Service  
Scottish Qualifications Authority  
Scottish Social Services Council  
Skills Development Scotland  
South Ayrshire Council  
South Lanarkshire Council  
Stirling Council  
West Dunbartonshire Council

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*‘Working to promote the  
full implementation of  
the UN Convention on  
the Rights of the Child  
in Scotland’*

December 2017



together

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