

# **School Age Childcare Programme**

## **Child Rights and Wellbeing Screening Sheet**

## 1. Brief Summary

The school age childcare (SACC) Programme is a transformational change programme which will deliver our commitment to progress the expansion of our childcare offer by building a system of school age childcare offering care before and after school, and during the holidays, where those on the lowest incomes will pay nothing.

Our Programme vision is that Scotland will have an accessible and affordable system of school age childcare before and after school and during the holidays for all primary school children. Children will be able to access healthy and nutritious food as part of this offer.

## 2. What aspects of the policy/measure will affect children and young people up to the age of 18?

All aspects of this policy will affect school age children as potential users of SACC, and will affect some young people who are parents of those children.

## 3. What likely impact – direct or indirect – will the policy/measure have on children and young people?

### Direct

The SACC Programme is targeted at primary school children (age 4 to 12 years old), and that particular age group of children will see the most direct positive impact of the SACC.

The Programme is being targeted at the six priority family types as identified in the [Tackling child poverty delivery plan](#), and so children in those families will particularly benefit:

- Children from lone parent families;
- Children from minority ethnic families;
- Children from families with a disabled adult or child;
- Children from families with a young mother (under 25);
- Children from families with a child under 1 year old; and
- Children from larger families (3+ children).

Young people who are parents with school age children will benefit as one of the priority family types.

Children from targeted families who don't usually access SACC will benefit from activities and other opportunities that they do not usually experience, reducing inequalities that currently might exist.

All children who access SACC will benefit from the health and wellbeing impacts such as rest, play, socialisation and participation in a wide range of activities.

All children who access SACC will benefit from integrated food provision.

Children and young people with disabilities and additional support needs can experience difficulties accessing SACC so the Programme will particularly benefit these children.

By expanding SACC to include a greater diversity of families, children will have the opportunity to interact and learn from children with different races, cultures and backgrounds, promoting diversity.

### **Indirect**

The Programme will target the six priority family types and will reduce the risk of families living in poverty by reducing barriers to employment and increasing parental income through work. As poverty impacts children's health and educational attainment, as well as life opportunities in adulthood, the Programme will help realise more children's full potential.

Targeted families who would currently pay for SACC will have reduced costs and potentially more household income.

SACC services will play a vital role in addressing economic and social exclusion, offering respite, and giving families, including children, better quality, choice and sustainability.

## **4. Which groups of children and young people will be affected?**

The Programme will potentially benefit all school age children.

It will especially benefit children of primary school age from lower income families, particularly those children from the six priority families who are at greatest risk of poverty identified in the Tackling Child Poverty Plan.

The Programme is expected to also positively impact children who live in rural areas where SACC provision can often be limited or not available.

The Programme is also expected to affect children who may not currently attend school age childcare, by removing barriers to access related to, for example, disabilities, race, religion and belief, or other characteristics or family circumstances.

## **5. Is a Children's Rights and Wellbeing Impact Assessment required?**

Yes. Although the policy is determined to have a broadly positive impact on children and young people, it is important to undertake this impact assessment so that any potential unintended consequences are identified and addressed. A CRWIA also helps to broaden and deepen our understanding of issues around children and young people.

We will start with a high level CRWIA for the overall Programme. Subsequently, we will prepare CRWIAs, where required, to cover individual projects or policy areas, or groups of projects and project areas, as the work of the Programme progresses.

## **6. Sign & Date**

Policy Lead Signature & Date of Sign Off: Lynne Carter 09/02/23

Deputy Director Signature & Date of Sign Off: Kate Smith 13/09/23

# Child Rights and Wellbeing Impact Assessment (CRWIA)

## for

# School Age Childcare Programme

### Disclaimer

This **draft** document is an **initial assessment** of the impact of the School Age Childcare Programme and Scottish Government will continue to review and update this document where required during the strategic decision making process. Any future iterations will reflect an increased understanding of these impacts as the amount of data and research available continues to grow.

This impact assessment should be read in conjunction with the Equality Impact Assessment and the Fairer Scotland Duty Assessment.

## CRWIA Stage 2 – Assessment of Impact and Compatibility

### 1. What evidence have you used to inform your assessment? What does it tell you about the impact on children's rights?

In 2018, the Scottish Government published the first [Tackling Child Poverty Delivery Plan called Every Child, Every Chance](#). This document acknowledged the importance of school age childcare (SACC) as part of a number of actions needed to address the cost of living and in particular supporting families into employment as one of the best routes out of poverty:

*Lack of access to childcare is a key barrier to entering work for many parents, particularly lone parents, or to increasing their hours and their take home pay. The Poverty and Inequality Commission recommended that the Scottish Government should be developing a strategic framework for after school care as a priority and that's what we are now doing. (Every Child, Every Chance - p11)*

We know that child poverty has a huge negative impact on the wellbeing of children and that mitigating against this will lead to improvements in a range of children's rights, in particular, but not limited to, those which relate to health and wellbeing, care and protection, support for working parents, and rights to education and leisure. The full list of rights where we anticipate this policy to have a positive impact can be found at Section 5 of this document.

A range of evidence about the impact of school age childcare on children and families was captured as part of the [consultation process for the 2019 Out of School Care Scotland Draft Framework](#). This work used both classic engagement, and [innovative engagement approaches such as forum theatre](#) to involve parents, carers, and children and young people in [discussion about the problems that school age childcare \(also known as out of school care\) solves or could solve](#) for them. The consultation also included information from the Scottish Social Services Council, the Care Inspectorate and from providers of childcare.

During the process, it was found that “*compared to early years research...the evidence related to out of school childcare and activities for school age children is fairly limited*” (Out of School Care Scotland Draft Framework, p18). It is also important to note that potential impacts and/or benefits from this policy will also be dependent on other factors than simply the availability or affordability of school age childcare. There are many other interrelated factors, outwith the scope of this policy, which may influence outcomes. However, from the available evidence the key findings were:

- The available evidence suggests that the main potential impact of out of school care on parents and the broader family may be through positive labour market impacts.
- For low income families, school holidays can increase financial pressure and may lead to food insecurity and missing out on opportunities that are available to children in higher income families. There is some research that suggests that circumstances experienced during the school holidays - including poor nutrition, social isolation and stress within the family - can negatively impact on children's school readiness, cognitive functioning, health and well-being. While there is a

lack of robust evaluation of holiday programmes, the existing small-scale evaluations do show a range of potential positive impacts for the children and families who attend, including tackling food insecurity, and wider health and wellbeing, educational, and financial impacts.

- There is also some evidence showing that out of school activities/programmes can have small positive impacts on a range of children's outcomes and indicate that they could play a role in reducing the attainment gap.
- The limited evidence available also suggests that high quality out of school care may benefit children by promoting positive social interactions and relationships, building social skills and confidence, and providing the opportunity for play in a safe environment, particularly for younger children and those from the most socioeconomically disadvantaged backgrounds.

Since 2019, we have taken forward a number of projects to enable us to gather richer data about the needs and experiences of users of childcare. We have focused on the six priority family types identified in [Every Child, Every Chance](#), and have made a point of working with users, providers and organisations based in areas of significant deprivation. We have drawn upon evidence which has emerged from the experience and evaluation of a number of different projects testing approaches to school age childcare, including those supported through our [Access to Childcare Fund \(AtCF\)](#). The [Evaluation of Phase 1 of the AtCF](#) and [Evaluation of Phase 2 of the AtCF](#) are available online. Further evidence has been gathered from our summer holiday programmes in 2021 and 2022. The [evaluation of Get into Summer 2021](#) and the [evaluation of the 2022 Summer Holiday Programme](#) are also both now available online. The Scottish Government also commissioned [school age childcare research on the provision of childcare in rural and island areas](#), which has helped us to gather further information about the barriers and challenges which are particularly acute in these areas.

As well as looking just at childcare on its own, we have also explored the role of food in childcare settings. The [evaluation of our Get into Summer 2021 programme](#) showed that the inclusion of food as part of activities was viewed positively by children and young people and their families. It helped reduce worries about getting hungry during physical activities, and for some children helped 're-set' relationships with food.

We also commissioned a [Rapid Review of Evidence on the Impact of Childcare on Parental Poverty, Employment and Household Costs in Low-income Families](#) which was carried out by SPIRU (Scottish Poverty and Inequality Research Unit) and published in December 2022. We will consider the findings and what further research may be needed.

More recently, the [Best Start: Strategic Early Learning and School Age Childcare Plan 2022-2026](#) includes a further summary (in Annex A) of some of the key pieces of evidence which have been used to inform the development of the policy on building a system of school age childcare. It acknowledges that there is currently less evidence available about the benefits of School Age Childcare than for Early Years Care, however "*...the research available suggests that high quality school age childcare can promote positive social interactions and relationships, build social skills and confidence, and provide the opportunity for play in a safe environment.*" The Best Start Plan also sets out some areas where further research and data is needed

and underlines how ongoing monitoring and evaluation work will develop and inform this evidence base.

We will continue to incorporate new evidence and feedback from users, including children, parents and providers, and adapting our approach as required.

## 2. Evidence from stakeholders/Policy Colleagues

### People Panel

We have recently worked with a company called Thrive HQ to deliver a discovery phase of the SACC People Panel project. The People Panel consists of parents, carers and childcare providers, including childminders, other regulated childcare providers and activity providers. Panel members came from rural, urban and island locations, and all six priority family types were represented.

Engagement with panel members took place between early June and September 2022 in Campbeltown, Argyll and Bute, Shetland, Fife, Perth, Dundee and Glasgow. Over 100 parents and carers participated, and over 30 childcare and activity providers. Panel members generously shared their stories, their hopes and concerns for a future system of childcare, and responded positively to the opportunity to participate.

During this discovery phase, we spoke with participants about how affordable school age childcare might support parents and carers into work, and how it might help protect them from leaving work. During this engagement, Panel members spoke about their experiences of making complex decisions, in ever-changing circumstances, about SACC, work, family and finances. By taking a people-centred approach to delivery, we will ensure that we continue to create opportunities for parents, carers, children and providers to work with government to co-design school age childcare services which meet their needs.

### Access to Childcare Fund

The purpose of the [Access to Childcare Fund](#) was to support childcare solutions that enable more accessible and affordable childcare for families with school-aged children and to help to reduce the barriers parents and carers can experience in accessing childcare. These barriers include the cost of childcare, the hours available, and accessibility for children with additional support needs. The awards aimed to make services more accessible and affordable for low-income families, particularly the six identified priority family groups most at risk from poverty as set out in the Tackling Child Poverty Delivery Plan. Between October 2021 and March 2022, the fund invested more than £2 million into 15 projects across Scotland, supporting around 1500 children from 1000 families.

The funded services represented a range of different communities throughout Scotland, including urban, rural and island communities. All had an emphasis on supporting families in the priority groups identified in the Tackling Child Poverty Delivery Plans, with some focusing on individual groups, such as families with children with disabilities or ethnic minority families. The project was designed to enable the funded services to test approaches for overcoming the barriers to

affordable, accessible and flexible childcare. Learning from their experiences has therefore been a crucial aspect of the process.

### **Early Adopter Communities**

In October 2022, we invested £1 million to begin school age childcare provision in four communities across Scotland (our Early Adopter Communities), targeted to support families most at risk of poverty. In these areas, work had already begun to understand childcare needs and we have already begun delivering funded SACC services for families who would otherwise struggle to afford it. Combining provision of school age childcare with wider supports for families will maximise benefits for families. Our Early Adopter Communities will be the forerunners for a future targeted SACC offer for Scotland – providing an opportunity to adapt and implement this offer as we learn from the children, families and communities involved. The projects are designed in such a way as to enable continuous engagement and learning which can then be fed into the broader SACC programme.

### **Engagement with Providers**

We are committed to ensuring that the views of providers in the private, third and childminding sectors are heard and reflected in national policy. Senior officials engage regularly and fully with representatives from across the private, third and childminding sectors. This includes:

- Through our Childcare Sector Working Group – currently meeting every 2 months – which provides a valuable forum to discuss, develop and improve policy with sector representatives. Its membership includes all key childcare sector national stakeholder groups – the National Day Nurseries Association, Early Years Scotland, the Scottish Childminding Association, and the Care and Learning Alliance.
- Regular engagement with the Scottish Out of School Care Network and other representative bodies.
- In addition, the National Childcare Providers Forum is a new group, bringing together 29 members, directly representing services and settings from across the country, with Scottish Government early learning and childcare (ELC) policy representatives and COSLA. The aim in creating this Forum is to create a dedicated discussion space where childcare providers from across the private, third and childminding sectors can directly feed in their unique views and perspectives on a range of national policy issues.

## **3. Evidence from children and young people**

### **Children's Charter**

We have worked with a company called A Place in Childhood to develop a Children's Charter, visiting children in primary schools in Highland, Alloa, Shetland, Aberdeen and Dundee, and spending time with a group of young carers. The children we spoke to came from a mix of communities including rural, urban and island communities, had experience both of attending after school activities or not, and



included children whose families belong to one of the six priority family types. We used everything we heard to help children write a local Charter for SACC.

We later brought children from each of the participating schools together for a national workshop where they collaborated to co-design a National Children's Charter for SACC in Scotland. The National Children's Charter for SACC in Scotland was published on 30 June. The local Charters and a Gaelic language version of the National Charter were published on 5 October. The [National Children's Charter](#) is available to read and download, with other publications, including the charters local to the participating schools, a Gaelic version of the National Charter, and posters.

The finished Children's Charter is important to our co-design approach. We will share it with Scottish Government Ministers, families, other children, and the people and organisations who deliver and support the SACC system. We will use it to make sure that when we make decisions about the system, we think about what is really important to children.

### **Access to Childcare Fund**

The [evaluation of Phase 2 of the Access to Childcare fund](#) and two pilot projects have included phone/video interviews and an in-person workshop with children who have been recipients of funded places.

In collaboration with the Scottish Government, a range of topic areas and questions were developed by the contracted research team to understand the impact of attending services for these children, including:

- how children have felt about attending a service;
- the range and choice of activities provided;
- the food provided;
- the environment, including outside play;
- whether children felt included in decision making at the service; and
- the impact that the service has had on children's wellbeing and relationships.

A five point visual scale from 😞 (unhappy) to 😊 (happy) was developed to help children answer questions in video interviews.

The Scottish Government also funded an evaluation of the Indigo Family Matters project, which was conducted concurrently with the Access to Childcare Fund Phase 2 evaluation. Researchers at both evaluations collaborated to develop and deliver an in-person workshop for children who received funded places for this project. Topics and questions for discussion at this workshop followed those which were developed for the Access to Childcare Fund Phase 2 evaluation.

### **Analysis of the evidence**

Using evidence detailed above, please answer the following questions on how this relevant proposal will impact children.

#### 4. How have the findings outlined in questions 1-3 influenced the development of the relevant proposal?

As outlined in the answer to question 1, we know that child poverty has a huge negative impact on the wellbeing of children and that mitigating against this will lead to improvements in a range of children's rights (further information is available in Section 5). Stable employment is widely recognised as a route out of poverty, and affordable reliable childcare as an important element in enabling parents to take up and sustain employment. Our work to build a system of SACC is key to the Scottish Government's wider drive to tackle child poverty through supporting families.

As our projects have continued to develop, we have gathered a huge range of rich information from stakeholders throughout the system about what should form part of a childcare offer, the barriers which could prevent this happening and the potential impacts on children and families.

The 2021 and 2022 summer holiday programmes have provided us with information about the positive impact on children's wellbeing of a secure, stable environment over the summer holidays. Access to new activities and experiences as well as the opportunity to make new friends has been another key benefit. We have also learned about the importance of including food and transport within the childcare offer.

Further information has been gathered from the projects operating through the Access to Childcare Fund and People Panel, including learning more about the requirements of children and young people with additional needs and how to support their families. Much of the learning from earlier projects has gone into the shaping of the Early Adopter Communities project, highlighting the areas we need to focus on to generate the most benefits for children and their families.

Work on the Children's Charter has been invaluable as we think about the elements of a school age childcare system which would be valued by children. Any system must meet their needs (in line with Articles 12 and 31 especially), and this work has highlighted the areas which are most important to children and must be included. Children themselves highlighted the importance of equal access to activities and experiences through school age childcare throughout the co-production of the Children's Charter. This is most clearly articulated in their analysis of why school age childcare should be available and how it should be funded. The Charter has also highlighted the benefits of coproduction and direct engagement with children, and shown how it can work in practice.

We are continuing our engagement with stakeholders through a number of projects and will continue to learn and adapt our approach in response to this. For instance, we have begun to share the Charter and the children's user needs drawn from it and other sources of insight, with regulators and other stakeholders to explore what it might mean for future regulation and qualifications for the SACC workforce. We are also planning a series of engagement activities with providers of school age childcare (including regulated providers, childminder and activity providers) to explore what the Charter means for their services, and any support they may require to ensure that their services align with children's needs.

## 5. Assessing for compatibility against the UNCRC requirements (Guidance Section 2.2)

Complete the below matrix, placing a tick against each article which is relevant to your existing legislation or decision or relevant proposal. Further on in the form you will be able to explain these answers in more detail.

### UNCRC Articles

Please click on the triangle to expand and collapse the text for a full definition of each article.

#### What impact does/will your relevant proposal have on children's rights (Please tick positive, negative or neutral)

Positive | Negative | Neutral

##### Article 1 Definition of the child

For the purposes of the present Convention, a child means every human being below the age of eighteen years

##### Article 2 Non-discrimination

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all 15 forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

##### Article 3 Best interests of the child

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision

##### Article 4 Implementation of the Convention

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation

Article 5 Parental guidance and a child's evolving capacities

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6 Life, survival and development

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child

Article 7 Birth registration, name, nationality, care

1. The child shall be registered immediately after birth and shall have the right from birth to a name, and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field

Article 8 Protection and preservation of identity

1. States Parties undertake to respect the right of the child to preserve his or her identity, including name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity

Article 9 Separation from parents

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

Article 10 Family reunification

A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents.

Article 11 Abduction and non-return of children

States Parties shall take measures to combat the illicit transfer and non-return of children abroad

Article 12 Respect for the views of the child

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law

Article 13 Freedom of expression

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14 Freedom of thought, belief and religion

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others

#### Article 15 Freedom of association

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

#### Article 16 Right to privacy

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks

#### Article 17 Access to information from the media

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

#### Article 18 Parental responsibilities and state assistance

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary

responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible

Article 19 Protection from violence, abuse and neglect

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20 Children unable to live with their family

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21 Adoption

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs

#### Article 22 Refugee children



1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organisations or non-governmental organisations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention

#### Article 23 Children with a disability



1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services,



rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

#### Article 24 Health and health services



1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take 20 appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary healthcare, though, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries

#### Article 25 Review of treatment in care



States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or

mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement

#### Article 26 Social security

1. States Parties shall recognize for every child the right to benefit from social security, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child

#### Article 27 Adequate standard of living

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the making of appropriate arrangements.

#### Article 28 Right to education

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
  - (a) Make primary education compulsory and available free to all;
  - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
  - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
  - (d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries

#### Article 29 Goals of education

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State

#### Article 30 Children from minority or indigenous groups

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language

#### Article 31 Leisure, play and culture

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity

Article 32 Child labour

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article

Article 33 Drug abuse

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances

Article 34 Sexual exploitation

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35 Abduction, sale and trafficking

States Parties shall take all appropriate national measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form

Article 36 Other forms of exploitation

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare

Article 37 Inhumane treatment and detention

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action

Article 38 War and armed conflicts

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict

Article 39 Recovery from trauma and reintegration

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such 5 recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child

Article 40 Juvenile justice

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; 10 probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence

Article 41 Respect for higher national standards

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State Party; or
- (b) International law in force for that State.

Article 42 Knowledge of rights

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

## First optional protocol

Positive | Negative | Neutral

### Article 4

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.
3. The application of the present article under this Protocol shall not affect the legal status of any party to an armed conflict.

### Article 5

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

### Article 6

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of this Protocol within its jurisdiction.
2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.
3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to this Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

### Article 7

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary to the Protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to this Protocol, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with concerned States Parties and relevant international organizations.
2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.



## Second Optional Protocol

### Article 1

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

### Article 2

For the purposes of the present Protocol:

- (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;
- (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

### Article 3

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether these offences are committed domestically or transnationally or on an individual or organized basis:

- (a) In the context of sale of children as defined in article 2:
  - (i) The offering, delivering or accepting, by whatever means, a child for the purpose of:
    - a. Sexual exploitation of the child;
    - b. Transfer of organs of the child for profit;
    - c. Engagement of the child in forced labour;
  - (ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;
- (b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;
- (c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.

2. Subject to the provisions of a State Party's national law, the same shall apply to an attempt to commit any of these acts and to complicity or participation in any of these acts.

3. Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.

4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, this liability of legal persons may be criminal, civil or administrative.

5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

#### Article 4



1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.

2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:

(a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory;

(b) When the victim is a national of that State.

3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the above-mentioned offences when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals.

4. This Protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

#### Article 6



1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal proceedings brought in respect of the offences set forth in article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

#### Article 7



States Parties shall, subject to the provisions of their national law:

(a) Take measures to provide for the seizure and confiscation, as appropriate, of:

- (i) Goods such as materials, assets and other instrumentalities used to commit or facilitate offences under the present Protocol;
- (ii) Proceeds derived from such offences;
- (b) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (a)(i);
- (c) Take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

## Article 8



1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

- (a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;
- (b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;
- (c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;
- (d) Providing appropriate support services to child victims throughout the legal process;
- (e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;
- (f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
- (g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.

2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.

3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.

4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.

5. States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.

6. Nothing in the present article shall be construed as prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

#### Article 9

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to such practices.

2. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.

3. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.

4. States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.

5. States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

#### Article 10

States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

#### Article 11

Nothing in the present Protocol shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in:

- (a) The law of a State Party; (b) International law in force for that State.

## 6. Impact on children and young people

As outlined earlier in this impact assessment, the school age childcare programme is specifically targeted at low income families and in particular those which fall into the six family types highlighted in the Tackling Child Poverty Delivery Plan:

- Children from lone parent families;
- Children from ethnic minority families;
- Children from families with a disabled adult or child;
- Children from families with a young mother (under 25);
- Children from families with a child under 1 year old; and
- Children from larger families (3+ children).

These groups are more likely to experience poverty than all children in Scotland (24%) and households which do not have any of the priority family characteristics (10%).<sup>1</sup>

In addition, several of the projects we have funded and are continuing to fund are designed to generate learning about models of childcare in rural areas and the specific challenges involved in providing childcare in remote and sparsely populated communities. This includes engaging with children, families and providers based in island communities.

We do not expect the programme to have a negative impact on any group of children, however, since the programme is aimed initially at children of primary school age, we expect there to be fewer benefits for young people between the ages of 13 and 18, or for children who are under the age of 5. The programme will also have less of an initial impact on children from more affluent families since the majority of services are focused on supporting families on low incomes.

## 7. Negative Impact/Incompatibility

If negative impact is identified in Question 5 above, can you elaborate on this and explain why impact is or will be negative?

No negative impacts have been identified so far.

Are there any potential concerns about compatibility with the UNCRC requirements? Please explain these here.

No concerns.

## 8. Options for modification or mitigation of negative impact or incompatibility

What options have been considered to modify the existing legislation or decision or relevant proposal in order to mitigate negative impact or potential incompatibility issues? N/A.

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<sup>1</sup> [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026 - gov.scot](https://www.gov.scot/Best-Start-Bright-Futures-tackling-child-poverty-delivery-plan-2022-to-2026)  
([www.gov.scot](https://www.gov.scot/))

## 9. Positive impact: Giving better or further effect to children's rights in Scotland

If positive impact is identified in Question 5, please reflect on and explain how your relevant proposal currently protects, respects and fulfils children's rights in Scotland or will do so in future.

We already know that child poverty has a negative impact on the wellbeing of children and that mitigating against this will lead to improvements in a range of children's rights. Stable employment is widely recognised as a route out of poverty, and affordable reliable childcare as an important element in enabling parents to take up and sustain employment. Our work to build a system of school age childcare is key to the Scottish Government's drive to tackle child poverty by supporting families.

We are giving better effect to children's rights by taking a more holistic approach to childcare; including food, different types of activities and family support services in the models we are trialling. We are also giving children a louder voice in the policy process by ensuring that the types of childcare services we are developing are in line with what children have told us they want.

## 10. Impact on Wellbeing: does or will the relevant proposal contribute to the wellbeing of children and young people in Scotland?

Please indicate whether there will be an improvement in wellbeing for each indicator:

**Safe** - Growing up in an environment where a child or young person feels secure, nurtured, listened to and enabled to develop to their full potential. This includes freedom from abuse or neglect. **Yes.**

**Healthy** - Having the highest attainable standards of physical and mental health, access to suitable healthcare, and support in learning to make healthy and safe choices. **Yes.**

**Achieving** - Being supported and guided in learning and in the development of skills, confidence and self-esteem, at home, in school and in the community. **Yes.**

**Nurtured** - Growing, developing and being cared for in an environment which provides the physical and emotional security, compassion and warmth necessary for healthy growth and to develop resilience and a positive identity. **Yes.**

**Active** - Having opportunities to take part in activities such as play, recreation and sport, which contribute to healthy growth and development, at home, in school and in the community. **Yes.**

**Respected** - Being involved in and having their voices heard in decisions that affect their life, with support where appropriate. **Yes.**

**Responsible** - Having opportunities and encouragement to play active and responsible roles at home, in school and in the community, and where necessary, having appropriate guidance and supervision. **Yes.**

**Included** - Having help to overcome inequalities and being accepted as part of their family, school and community. **Yes.**

## Post Assessment Review and sign-off

### 11. Communicating impact to children and young people

How will you communicate to children and young people the impact that the relevant proposal is having or will have on their rights?

As previously outlined, we have used the Children's Charter to develop a set of programme user needs for children. These will be used to ensure that all work within the programme can be measured against the needs that children have identified.

We have ensured that the schools and carers group in which the project was undertaken can keep children updated on the publication process, by maintaining contact and providing some detail on how and with whom we have shared the Charter.

We are undertaking consultation with the Scottish Youth Parliament in October, with a focus on the Children's Charter, and will seek their input into how best we can continue to update children and young people on our progress with the programme, and in particular how the Children's Charter has already and will continue to inform the design of a new system of school age childcare.

We will continue to engage with children as a key part of the projects which we fund in 2023-24, and will be exploring how we can ensure that children continue to have a voice at the heart of the process, particularly at local level through our community tests of change.

Providing information to children and young people on how their rights are being or will be impacted helps to ensure that policy-development is transparent. Are you publishing a child-friendly or accessible CRWIA?

We do not currently propose to publish another version of the CRWIA.

### 12. Planning for the review of impact on child rights (Stage 3)

As part of the decision making process, plans for reviewing the impact on child rights need to be developed.

- How is the impact of the relevant proposal on child rights being monitored or how will it be monitored in the future?
- When will you review your CRWIA and complete Stage 3?

As the SACC programme develops we will continue to engage with children as an integral part of the process. Initially this will include evaluations of the Early Adopter Communities projects which are currently live and will provide an opportunity for children in different parts of Scotland to express their thoughts on the school age childcare provision which they have used (or are using) and how it has affected their lives. This learning will then be fed into the wider programme. Other parts of the SACC programme are not as well developed yet, but will be using the same engagement principles to work with children and young people and ensure that their views and needs are at the centre of both the design and implementation processes.

The CRWIA will be reviewed after the first year of implementation of a national school age childcare system.

### 13. Compatibility sign off statement (Guidance Section 2.2)

This relevant proposal has been assessed against the UNCRC requirements and has been found to be compatible.

Policy Lead Signature & Date of Sign Off: Karen Fraser 30/05/23

Deputy Director Signature & Date of Sign Off: Kate Smith 13/09/23

SGLD Sign Off: Yes  No





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