



# Guidance on taking a children's human rights approach

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# 1. Introduction

The purpose of this guidance is to provide information and resources to support public authorities and other organisations to implement a children's human rights approach. This may also assist public authorities to meet their current duties under the Children and Young People (Scotland) Act 2014 and to prepare for their duties under section 6 of the United Nations Convention on the Rights of the Child (Incorporation)(Scotland) Act 2024. When the UNCRC Act comes into force on 16 July 2024, section 6 of the Act will place a duty on public authorities not to act incompatibly with the 'UNCRC requirements' as defined by section 1 of the Act.

## 1.1 Summary of the contents of this guidance

The content of the Guidance consists of the following sections:

1. an introduction to the United Nations Convention on the Rights of the Child (UNCRC);
2. an introduction to the UNCRC (Incorporation)(Scotland) Act;
3. methods to embed children's human rights approaches in practice: decision-making; budget allocation; inclusive communication; awareness raising; participation of children; child friendly complaints and advocacy, including case studies, good practice examples and further resources;
4. links to other relevant policy areas.

This guidance does not cover legal duties which will come into force when the UNCRC Act commences on 16 July 2024. Statutory guidance will be issued for Part 2 (section 6: Compatibility Duty on Public Authorities) and Part 3 (section 18: Reporting Duties on Public Authorities) of the UNCRC Act, to support public authorities to fulfil their duties.

Further case studies on taking a children's human rights approach are provided in annexes, to support public authorities to learn from existing practice.

## 1.2 Who is the guidance for?

This guidance is issued on a non-statutory basis to provide those involved in public service delivery in Scotland with an introduction to the United Nations Convention on the Rights of the Child (UNCRC) and support them to implement a children's human rights approach and give effect to children's rights in practice.

A children's human rights approach is not just relevant to children and young person's services. All decisions made about, and actions taken to deliver public services may impact on the rights and wellbeing of children and young people. It is vital to the realisation of children's rights for all those carrying out public functions to consider children's rights in their work.

## 1.3 How is the guidance to be used?

The UNCRC Act not only places legal duties on public authorities but also intends to improve the culture of children's rights in Scotland. This guidance on how public authorities, and other organisations, can take a children's human rights approach aims to support this shift to ensure they consider the UNCRC in the delivery of their services and take actions now to make children's rights real.

Public authorities in Scotland already consider children's rights in decision-making, and to help provide every child with a good start in life and a safe, healthy and happy childhood. The [Children and Young People \(Scotland\) Act 2014](#) places duties on certain public authorities to report on what they are doing to progress children's rights. Furthermore, the UNCRC forms the basis of Scotland's national approach for supporting children, [Getting it right for every child \(GIRFEC\)](#) and fulfilling children's rights is critical to ongoing work on [The Promise](#) and to reduce child poverty.

This guidance is intended to build on these strong foundations, to support public authorities to further embed consideration of the UNCRC, and to encourage wider adoption of a children's human rights approach.

## 1.4 How was the guidance developed?

This guidance was informed by engagement with the United Nations Convention on the Rights of the Child (UNCRC): Embedding Children's Rights in Public Services [Guidance Sub-Group](#), which includes representative public authorities, third sector organisations and children's rights bodies. Members are well placed to bring the wider views of stakeholders, such as children and young people and non-represented public authorities to the work of the Group.

In addition, the guidance benefited from engagement with local authority UNCRC Peer leads and information provided by children and families on the Children and Families panel who are supporting development of a Child Rights Skills and Knowledge Framework.

## 1.5 What will I learn?

The aims of this guidance are to:

- Provide a brief summary of human rights, children's rights and the UNCRC.
- Raise awareness of the ambition for children's human rights in Scotland and set out the Scottish Government's actions to implement the UNCRC to date.
- Provide an update on the UNCRC (Incorporation)(Scotland) Act.
- Provide information and resources to support you to take a children's human rights approach to planning and delivery of services.
- Clarify links between the UNCRC, key policies and existing Scottish legislation.
- Share relevant case studies on taking a children's human rights approach.

## 2. Introducing the UNCRC

### 2.1 What are human rights?

Human rights are the basic rights and freedoms which we all have, to live with dignity, equality and fairness and to develop and reach our potential. Human rights are a list of things that all people – including children and young people – need to live a safe, healthy and happy life.

Human rights are:

- Universal (they apply to everyone, regardless of who they are)
- Inalienable (they cannot be taken from you or given away)
- Indivisible (they are all equally important)
- Interdependent (breach of one impacts them all)
- Interrelated (they are all connected to one another)

Under international law, States/Governments are obliged to respect, protect and fulfil human rights. Those delivering public services should respect human rights when they make decisions, plan services and make policies.

Everyone, including children, has these rights, no matter what their circumstances. The European Convention on Human Rights (ECHR) has been incorporated into UK domestic law through the Human Rights Act 1998 (HRA). This legislation makes it unlawful for public authorities to act in a way that is incompatible with those rights.

- Respect: Refrain from interfering with or curtailing the right
- Protect: Ensure individuals and groups are protected from human rights abuses
- Fulfil: Take positive action to facilitate the enjoyment of basic rights

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“If adults obey these rules, then millions of children could have much better lives than at present”.

**Young person's response to Scottish Government consultation**

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## 2.2 Children's rights

Children and young people have the same human rights as adults. These are the same rights that protect everyone. They span the entire spectrum of civil and political rights (e.g. freedom from discrimination and the right to a fair trial) and economic, social and cultural rights (e.g. the right to adequate food and housing, the right to education). Children and young people also have a right to special protection because childhood, defined as the period of life up to the age of 18, represents a time in our lives when we all require support from others to have a good quality of life, when our wellbeing and needs are provided for.

The actions, or inactions, of government impact children more strongly than any other group in society and every area of government policy affects children to some degree.

We know that children and young people face unique barriers to accessing their rights. Their future often depends on the action taken by adults to implement their rights in practice. As children, their voices can be unheard, or more easily dismissed.

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**“Children's rights are important because they are essential to make a child's life liveable”**

**Member of Children's Parliament in  
“What kind of Scotland?”**

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## 2.3 What is the UNCRC?

Specific human rights for children are set out in the [UN Convention on the Rights of the Child](#) (UNCRC). The UNCRC offers a vision of the child as an individual and as a member of a family and community. By recognising children's rights in this way, the UNCRC firmly sets the focus on the whole child. The additional rights afforded to children within the UNCRC recognise that childhood is a special time which must have additional protections.

The UNCRC is the internationally mandated children's rights treaty that sets out the rights that all children and young people in the UK have and outlines what children need to give them the best chance of growing up happy, healthy and safe. It also explains how adults and governments should work together to make sure all children can access all their rights. The UNCRC defines the child as a person under 18 years of age.

The UNCRC recognises that children are human beings with fundamental rights that are written into international law. It also makes clear that special action needs to be taken to ensure those rights are respected, protected and fulfilled.

As one of the core global human rights treaties, the UNCRC helps to safeguard the dignity and the equal and inalienable rights of all children and young people. It does this by making sure that important rights set out in other international human rights treaties are applied in a way that is relevant and appropriate to the needs of children and young people. The UNCRC makes clear that in all actions concerning children, the best interests of the child must be a primary consideration.

## 2.4 General Principles of the UNCRC

There are four articles in the UNCRC that are seen as special. They are known as the “General Principles” and they help to interpret all the other articles. This means that these rights are so essential that if they are violated, this will have an impact on all other rights.

- Rights should be applied without discrimination (Article 2)
- Best interests of the child to be a primary consideration (Article 3)
- Right to life, survival and development (Article 6)
- Right to express a view and have that view taken into account (Article 12).

For example, if the right to life, survival and development is not protected then it can be difficult to protect other rights such as the right to an adequate standard of living, the right to participation or the right to an education.

All rights are mutually reinforcing and interlinked. Children's civil, political, economic, social and cultural rights as expressed within the UNCRC all have equal status. Therefore, no rights should be held in higher regard or seen as more important than others. Whilst the General Principles are a useful lens through which to consider children's rights, they should be taken into account in conjunction with all rights and not considered primary, with other rights (outlined in the UNCRC) seen as secondary.

Considered together, the general principles help to construct a perception of children and childhood, one where they are equal to their adult counterparts. The general principles contribute to the enhancement of a positive attitude towards children and their rights.

## 2.5 What are the Optional Protocols of the UNCRC?

The UNCRC has three Optional Protocols.

These set out extra provisions which have been written after the treaty was adopted.

- [Optional Protocol on the sale of children, child prostitution and child pornography](#),
- [Optional Protocol on the involvement of children in armed conflict](#), and
- [Optional Protocol on a communications procedure](#).

A state that signs up to the UNCRC does not need to sign up to the Optional Protocols.

Currently, the UK is signed up to the first Optional Protocol (on the sale of children, child prostitution and child pornography) and the second Optional Protocol (on the involvement of children in armed conflict), but not to the third Optional Protocol on a communications procedure.



## 2.6 What rights do children have under the UNCRC?

The UNCRC contains 54 articles. The first 42 cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights that all children have. Articles 43–54 cover how adults and governments must work together to make sure all children can enjoy all their rights.

Examples of articles are:

- The right of the child and young people to express a view and have that view taken into account (Article 12)
- Freedom from violence, abuse and neglect (Article 19)
- The right to a proper house, food and clothing (Article 27)
- Access to primary and secondary education (Article 28)
- The right to play and to rest (Article 31)

It sets out children's individual rights – such as to a name and nationality, and to an adequate standard of living – alongside additional rights for specific groups of children, such as disabled children, children who have been exploited or mistreated, refugee and migrant children, children in custody, and children in care. The Children and Young People's Commissioner for Scotland has made a simplified [guide](#) for children and young people about their specific human rights under the UNCRC.

## 2.7 Progressive realisation, maximum available resources and non regression

Article 4 of the UNCRC requires States Parties to undertake all appropriate legislative, administrative and other measures to implement the UNCRC. Regarding economic, social and cultural rights, they must “undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation”.

The concept of “maximum extent”, can be interpreted in international law as an obligation towards “progressive realisation” in relation to economic, social and cultural rights such as the rights to nutrition, clothing and housing. This means there must be progress made over time towards the full realisation of these rights.

The concept of progressive realisation is complex and can be interpreted differently, depending on the context. However, the concept imposes an immediate obligation on States Parties to “take appropriate steps” towards the full realisation of children's rights. A lack of resources cannot justify inaction or indefinite postponement of measures to implement children's rights.

The principle of non regression, in the context of international human rights law, and particularly in the context of Economic, Social, and Cultural Rights (ESCR) is generally understood to mean the obligation of states to not take regressive measures, as in doing so they would be departing from their obligation to take steps for the progressive realisation of these rights.<sup>1</sup>

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<sup>1</sup> The Office of the High Commissioner for Human Rights (OHCHR), [Economic, social and cultural rights](#)

## 2.8 Sources to aid interpretation

The UN Committee on the Rights of the Child, is a body set up by the UN to monitor the progress that States make in keeping their human rights promises under the UNCRC. It issues General Comments, Concluding Observations, views and findings under the third Optional Protocol (yet to be ratified by the UK) and recommendations following days of general discussion.

The UN Committee on the Rights of the Child provides a wide range of guidance and a coherent framework for upholding children rights. These are all sources that can assist in understanding the UNCRC. They are available on the United Nations High Commissioner for Human Rights ([OHCHR](#)) website. These sources provide guidance but are not legally binding in international law.

These sources are in addition to the experience and practice that already exists across public services and the courts in applying the UNCRC at present.

**General Comments** - Provide interpretation and analysis of the UNCRC articles to help States Parties understand how the UNCRC can be put into practice. For example:

- [General Comment 5](#) outlines States parties' obligations to develop what it has termed "general measures of implementation".
- [General Comment 12](#) specifically focuses on a child's right to be heard.
- [General Comment 14](#) highlights the right of the child to have their best interests taken as a primary consideration
- [General Comment 19](#) covers public budgeting for the realisation of child rights.
- [General Comment 24](#) looks at children's rights in juvenile justice and highlights important core elements needed for a comprehensive policy focusing on prevention, intervention and diversion.

The full list of final [general comments](#) are available on the UN online [database](#), including supporting documents which aim to assist with interpretation. Public Bodies may wish to review general comments relevant to their areas of impact to assist with policy making. While general comments provide useful guidance, they are not legally authoritative.

**Concluding Observations** - The UNCRC requires countries which have adopted the UNCRC to report on the steps they have taken to implement it. The Committee on the Rights of the Child review these reports and produce a set of country specific suggestions and recommendations known as 'Concluding Observations', highlighting positive practice and recommending areas for improvement. The Scottish Government was last examined by the Committee on the Rights of the Child on the 17-18 May 2023, as part of UK reporting. Concluding Observations were issued on the [16 June 2022](#). Together have issued a [child friendly version](#) of the Concluding Observations.

**Days of General Discussion** - The Committee holds general meetings every two years, focused on a specific article of the UNCRC or a related subject. These meetings are opportunities to develop a deeper understanding of the contents and implications of the UNCRC. In recent years,

the committee has raised the rights of all children regarding international migration (2012), child's rights in relation to digital media (2014) and [children as human rights defenders](#) (2018). A [full list of the Days of General Discussion](#) is available.

**Communications issued under Optional Protocol 3** - The UNCRC has three Optional Protocols. These set out extra provisions which have been written after the treaty was adopted. Optional Protocol 3 allows children to make a complaint to the Committee on the Rights of the Child if they believe their rights under the UNCRC have been violated. The Committee then considers the case and communicates its views to the parties concerned. Optional Protocol 3 has not been ratified by the United Kingdom. The [communications issued by the Committee](#) may be of use in interpreting the UNCRC requirements.

**Decisions of the Courts** - New case law may arise from legal proceedings brought under the UNCRC Act in Scotland and may assist in interpreting the UNCRC requirements.

## 3. Introducing the UNCRC (Incorporation) (Scotland) Act

### 3.1 Ambition for children's rights in Scotland

The Scottish Government is committed to Scotland being the best place in the world for a child to grow up. The National Outcome for children and young people is that children grow up loved, safe and respected, so that they reach their full potential. A central part of our vision is the respect for, protection of and fulfilment of children's human rights. These include the right to be treated fairly, to be heard and to be as healthy as possible.

Our vision is a Scotland where children's rights are embedded in all aspects of society. A Scotland where policy, law and decision-making take account of children's rights and where all children and young people have a voice and are empowered to be human rights defenders.

All individuals and organisations in Scotland can help children and young people to enjoy their rights and fulfil the ambition of making Scotland the best place to grow up.

### 3.2 Children's rights in existing Scottish legislation and policy

Scotland has a strong record in implementing the rights of children by taking steps to respect, protect, and fulfil children's rights within law, policy, and practice. The UNCRC Act builds upon a proud tradition of respecting children's rights in Scotland that predates even the adoption of the UNCRC by the UN General Assembly in 1989, such as the pioneering and unique children's hearings system, which became operational in 1971.

There are already a number of pieces of Scottish legislation which implement the UNCRC in Scots law, such as the [Children \(Scotland\) Act 1995](#) and [Children \(Scotland\) Act 2020](#), which provide a major part of the legal framework for child welfare and protection in Scotland.

Specific legislation and policy which give effect to the rights and obligations within the UNCRC in Scotland include the Children and Young People (Scotland) Act 2014 (CYP Act) and 'Getting it Right for Every Child' (GIRFEC); the national approach in Scotland to improving outcomes and supporting the wellbeing of children and young people by offering the right help at the right time from the right people. The Promise is clear that Scotland's approach to care must ensure children's rights are upheld in all decisions and support is provided for families. Therefore, public authorities and workforces have strong foundations to build on when developing or improving their children's human rights approach.

Part 1 of the [Children and Young People \(Scotland\) Act 2014](#) embeds UNCRC rights in Scottish legislation and places children's rights duties on Scottish Ministers and public authorities.

Part 1 (section 2) of the 2014 Act places a duty on a range of listed public bodies (including all local authorities and relevant health boards) 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 UNCRC requirements.

The review criteria of Part 3 of the Children and Young People (Scotland) Act 2014 Statutory Guidance (Children's Services Planning) requires the local authority and health board (working in partnership with Children's Services Planning Partners) to use children's rights to inform the structural, procedural and outcome framework of their plan, making full use of children, young people, and families' suggestions to convey a shared sense of ongoing engagement and ownership.

### 3.3 UNCRC (Incorporation)(Scotland) Act 2024

Since the ratification of the [United Nations Convention on the Rights of the Child](#) by the UK Government in 1991, the UK has been under obligation in international law to comply with it, but children and young people across the UK have not been able to go to court to enforce their rights directly.

On 1 September 2020, the UNCRC Bill was introduced to the Scottish Parliament. The purpose of the Bill was to bring the UNCRC into Scots law and to put in place measures to achieve a culture of everyday accountability for children's rights across public services in Scotland.

The Bill was originally passed by the Scottish Parliament in March 2021 but, following a referral by UK Law Officers of certain of the Bill provisions to the UK Supreme Court, each of the referred provisions was judged to be outwith the legislative competence of the Scottish Parliament.

Following that judgment, the Bill was amended and brought back to Parliament using the 'Reconsideration Stage'.

The [amended Bill](#) was unanimously approved by the Scottish Parliament on 7 December 2023 and received Royal Assent on 16 January 2024. The [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024](#) will come into force 6 months from Royal Assent, on 16 July 2024.

The UNCRC Act makes Scotland the first country in the UK, and the first devolved nation in the world, to directly incorporate the UNCRC into domestic law. From 16 July 2024, it will be unlawful for public authorities to act incompatibly with the incorporated UNCRC requirements when acting under powers conferred by or under Acts of the Scottish Parliament or common law. Giving children, young people and their representatives the power to go to court to enforce their rights.

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“Incorporation will mean protections that need to be guaranteed and safety for children and young people. It is easier to look at a written document that says that these are the things I should have, rather than kind of guessing what you think you should have. This is empowering for me as a young person”.

### Young person's response to Scottish Government Consultation on UNCRC incorporation

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### 3.4 What does the UNCRC Act aim to do?

The Act, says that:

- Public authorities must not, in carrying out relevant functions, act incompatibly with the UNCRC requirements as set out in the UNCRC Act
- Children, young people, and their representatives will be able to use the courts to ensure that their rights are recognised
- Courts will have powers to take action by strike down or incompatibility declarators if legislation originating from the Scottish Parliament is incompatible with the UNCRC requirements
- Legislation originating from the Scottish Parliament will have to be read in a way which is compatible with the UNCRC requirements wherever possible.
- The Act contains remedial powers which would enable any incompatibilities or potential incompatibilities, to be remedied as considered necessary by the Scottish Ministers
- The Children and Young People's Commissioner Scotland and Scottish Human Rights Commission will have powers to take legal action to protect children's rights
- The Scottish Government will have to publish a Children's Rights Scheme to show how it is fulfilling its duties in the Act and explain its future plans to progress children's rights
- The Scottish Government will have to review how the Children's Rights Scheme is working each year
- The Scottish Parliament will have to publish an annual report on the actions taken and planned by the Parliament and its committees to secure better or further effect of the rights of children
- The Scottish Government will have to carry out a child rights and wellbeing impact assessment in respect of new primary and secondary legislation from the Scottish Parliament and certain decisions of a strategic nature that relate to the rights and wellbeing of children
- Other authorities listed in the Act will have to report every three years on what they are doing to ensure compliance with the compatibility duty and what steps they have taken to secure better or further effect to the rights of children, during the reporting period.

Under section 2 of the Children and Young People (Scotland) Act 2014, listed public authorities already have a duty to report what steps they have taken to secure better or further effect to the rights of children. The 2014 legislation is non-prescriptive on the style of the report, provided public authorities can evidence the steps they have taken during the reporting cycle to secure better or further effect within their areas of responsibility of the UNCRC requirements.

The current reporting duty under the 2014 Act will be replaced by section 18 of the UNCRC Act.

### 3.5 UNCRC Implementation Programme and support for public authorities

The cultural change required to ensure that children's rights are fully and progressively realised in practice starts with those delivering public functions for the people of Scotland. The Scottish Government has developed a three year [UNCRC action plan](#) running from April 2021 to March 2024 to ensure that children's rights are respected, protected and fulfilled in Scotland.

The programme priorities have been shaped by listening to children and young people and their families, public bodies, third sector organisations and academics. It aims to deliver change in all aspects of public life, supporting full realisation of all children's rights in practice.

To ensure that public services are appropriately supported in delivering the step-change in respecting, protecting and fulfilling children's rights, the Scottish Government will continue to work collaboratively with public authorities and third sector partners to ensure that future guidance on the UNCRC is accessible and best meets the needs of duty bearers and the rights of the children and young people they serve.

The Children's Rights Unit is working in partnership with the [Embedding in Public Services Group](#) and [Guidance Subgroup](#) to deliver a package of materials to support public authorities to deliver a children's human rights approach.

## 4. Children's human rights approach

This section provides information and suggestions that may be useful for any organisation which wishes to implement a children's human rights approach and is looking for ideas on how to do this. It outlines aspects of a children's human rights approach with a view to providing resources and information on a range of topics that public authorities may find useful to consider when seeking to give better and further effect to child rights. While there is no legal requirement for public authorities to follow these suggestions, they are intended to promote good practice.

### 4.1 What is a children's human rights approach?

The Children's Commissioner for Wales has developed a children's human rights approach which is "a principled and practical framework for working with children, grounded in the UNCRC. It is about placing the UNCRC at the core of planning and service delivery and integrating children's human rights into every aspect of decision-making, policy and practice." The Welsh model was developed with public authorities in Wales in mind and takes account of themes consistently highlighted as integral to a children's human rights approach.

The model is made up of five principles:

- **Embedding:** Putting children's human rights at the core of planning and the delivery of services that affect children and young people
- **Equality and non-discrimination:** Ensuring that every child or young person has an equal opportunity to make the most of their lives and talents
- **Empowerment:** Giving children the knowledge and confidence to use their rights and hold organisations and individuals that affect their lives to account
- **Participation:** Listening to children and taking their views seriously
- **Accountability:** Organisations and individuals should be accountable to children for the decisions and actions which affect their lives

The following sections introduce the five principles of the Welsh model, which public authorities may wish to consider when deepening their rights based practice. However, it must be kept in mind that these sections are not a comprehensive overview of what a children's human rights approach is or can be, and only represent a selection of elements. Public authorities are encouraged to find further sources of information on other aspects of taking a children's human rights approach.

### 4.2 Embedding children's rights

This section shares two key areas of business which public authorities may wish to consider, to support them to take a children's human rights approach and improve their services. The first section shares how a child rights and wellbeing impact assessment (CRWIA) can improve decision-making. The second section shares how a children's human rights approach could lead to budget efficiencies, and shares information on child rights budgeting.



## 4.2.1 Decision-making

Child Rights Impact Assessments (CRIA) are internationally recognised as a means of upholding and fulfilling children's rights in the decision-making process and are one of the general measures of implementation under the UNCRC. The UN Committee on the Rights of the Child recommends that all levels of government – national, regional and local – complete a CRIA as part of their policy development.

CRIA has many benefits including:

- Formulation of all organisational measures would consider the potential impact on children's rights and wellbeing
- Children's views are considered throughout the decision-making process and can influence decisions in accordance with needs expressed by children themselves
- Assessment of impact is informed by existing evidence and research and informs gaps
- Negative policy impact on children can be identified, mitigated against, and policy can be improved to uphold and advance the rights and wellbeing of children
- Publishing CRIA increases transparency in decision-making and allows for external scrutiny of decisions by children and their representatives

## Child Rights and Wellbeing Impact Assessment

The Scottish Government has developed an impact assessment which also considers wellbeing, a Child Rights and Wellbeing Impact Assessment (CRWIA). A CRWIA is a process through which the anticipated impact of any proposed decision, including development of policies and services, on children's human rights and wellbeing can be identified, analysed and recorded.

A CRWIA asks a range of questions to encourage and guide thinking around potential impacts. This includes questions around impact on specific groups of children, potential positive and negative impacts, and how children have been engaged to obtain their views and inform decisions made.

The Scottish Government consider the use of CRWIAs a means of upholding and respecting children's rights. To support the implementation of CRWIA beyond the duties of Scottish Ministers, the Scottish Government created and made available a [version of CRWIA](#) for use by anyone.

Under the UNCRC Act and as specified under the Children's Rights Scheme, Scottish Ministers will be required to prepare and publish a CRWIA (defined in section 17(1) of the Act) in certain circumstances per sections 17(2) to 17(3A) of the Act. There is no obligation on anyone other than Scottish Ministers to undertake CRWIAs, therefore, public authorities and any other body have discretion over whether they choose to do so as part of their child rights practice.

## 4.2.2 Budget allocation

Taking a children's human rights approach should support you to achieve efficiencies by better understanding and meeting children's needs and improving service delivery. Preventative approaches have been shown to improve outcomes for individuals and communities, and reduce demands on public services.<sup>2</sup> For example, if a front line worker is trained in taking a children's human rights approach, a child should have a good experience of the service and this may reduce the need for support from other services. Similarly, by using a child friendly complaints process, staff should be able to address any potential issues early on and reduce any need for further escalation.

Considering children's rights throughout the budgetary cycle, can lead to improvements in both operational efficiency (achieving the greatest impact from the resources spent) and allocative efficiency (achieving the greatest impact from the way resources were distributed).

### Child rights budgeting

Child rights budgeting is a process where child's rights respecting practice is adopted for budgetary decision making and resource prioritisation. This section sets out some principles, key considerations, and examples of practice for public authorities who may wish to further embed child rights in budget processes.

Article 4 of the UNCRC provides that all public authorities shall "undertake all appropriate legislative, administrative, and other measures of implementation" to realise the rights of children. As an approach, child rights budgeting (CRB) is commonly considered and outlined as a key measure of implementation of Article 4. The generation, allocation, and expenditure of local public budgets, is relevant to the implementation of the UNCRC, fulfilling children's rights, and improving the lived experiences of children. Public authorities may be aware of a range of budgeting techniques currently in use and being explored in Scotland, and budgeting for children's rights can build upon the many principles and practices already in place. This section of the guidance aims to provide an optional and complementary approach to existing budgetary practices already in place across public authorities in Scotland.

All human rights, including children's rights under the UNCRC, require the mobilisation of public resources to ensure they are respected, protected, and fulfilled. Whether this is through funding of rights based policies and programmes or through the allocation of resources for public institutions such as schools, hospitals, or an effective criminal court system, rights realisation is based, to a large extent, on its resourcing. Human rights budgeting is a process of developing, executing, and analysing a public budget in a way that is sensitive to and reflective of human rights standards and obligations.

Budgeting for children's rights is best understood as applying the principles and obligations associated with wider human rights budgeting to best realise the rights of children. Child rights budgeting is primarily concerned with ensuring children's rights are considered throughout the budget cycle. This can raise questions about the extent to which the budget set is sufficient to realise children's rights in line with the UNCRC, but also whether the prioritisation of

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<sup>2</sup> [Early intervention and prevention - Children, Young People and Families Early Intervention and Adult Learning and Empowering Communities Fund evaluation: final report - gov.scot \(www.gov.scot\)](http://www.gov.scot/Resource/0045/0045_0001.pdf)

resources demonstrably prioritises delivering children's rights. General Comment 19 from the Committee emphasises that financial resources should be "mobilised, allocated, and spent in an accountable, effective, efficient, equitable, participatory, transparent, and sustainable manner".<sup>3</sup>

Budgeting for children's rights raises considerations such as:

1. How an overall budget is formulated and ensuring there are enough resources to deliver services and programmes essential to upholding children's rights
2. Whether (and how) allocations within the budget prioritise closing the gap in the enjoyment of rights between different groups of children
3. How the processes adopted at differing stages of the budget cycle align with human rights principles such as meaningful participation, non-discrimination, and accountability
4. The extent to which available resources are applied on the basis of 'best value principles such as reducing waste and ensuring best value duties are implemented throughout the expenditure of the budget
5. The extent to which the expenditure of budget allocations is relevant to children's economic, social and cultural rights and careful consideration of any possible redirection for underspend in other service areas for fulfilling children's rights
6. Whether (and how) children's rights outcomes are being measured, linked to, and achieved by allocation of financial resources
7. Whether adequate resources are in place for transitional services which will allow children to be properly supported in their move from children's to adult services
8. How children are meaningfully involved in the budgetary decision making processes

General Comment 19 explains what this means for child rights budgeting:

1. Respecting children's rights through refraining from interfering with the enjoyment of children's rights, discriminating against certain groups of children or by diverting resources away from existing programmes that play a key role in fulfilling the rights of children in Scotland
2. Protecting children's rights through the prevention of interference with the rights guaranteed by the UNCRC Act
3. Fulfilling children's rights through providing budgetary allocations for services essential to the realisation of children's rights

The economic, social and cultural rights that apply to all children are provided through Articles 24-32 of the UNCRC. At international level, these rights are guided by the concept of progressive realisation (see section 2.7 for a fuller explanation of this concept). While under no obligation to do so, public authorities may wish to consider the concept of progressive realisation for budgetary decision making to ensure that they give further effect to the rights of children. There may be clear advantages for doing so.

Applying a rights based approach to budgetary decision making can provide a clear framework from which to demonstrate active consideration of and links between public resources and children's rights realisation.

<sup>3</sup> OHCHR. *General comment No. 19 (2016) on public budgeting for the realization of children's rights (art. 4)*. [online] Available at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-19-2016-public-budgeting>

As a fiscal framework, children's rights budgeting focuses directly on ensuring the generation, allocation, and expenditure of a budget is directed by delivering upon children's rights outcomes. Children's rights budgeting can be used to identify and assess if the current approach to resourcing is the most effective and efficient way to meet children's rights requirements.

## Implementing a child's rights respecting budget cycle

The core principles for child rights budgeting are non-discrimination, participation, accountability and transparency (non-discrimination, participation, and accountability are covered in sections 4.3, 4.5, and 4.6 of this guidance). Transparency of budgetary information should be viewed with regard to Article 13, children and young people's right 'to seek, receive and impart information'. It can be considered for both the publication of specific budgetary documents in a timely manner and the accessibility, including child friendly and easy read versions (see section 4.3.1 of this guidance). It is a prerequisite for meaningful participation and can include for example, pre-budget statements, strategic spending priorities and decisions, enacted budgets, and internal audit reports.

Implementing children's rights budgeting in Scotland is best viewed as a continual process, not a one-off event. Public authorities in Scotland complete a rolling budget cycle each year in which the budget is formulated (planned), approved (enacted), executed, and subject to oversight and audit (follow up).

## Budget planning

When planning their budget, public authorities may wish to include an assessment of the current state of children's services within the public authority area (see 5.1.4 on Children's Services plans) and where priorities can be identified to ensure the budget is used effectively for respecting, protecting, and fulfilling children's rights. This is likely best captured at the very beginning of the new budget cycle within strategic planning for the coming years. Particular attention may be given to assessing children in vulnerable situations with plans designed to ensure the budget adequately resources services and programmes essential to fulfilling their rights. To achieve this, international guidance<sup>4</sup> on children's rights budgeting sets out key considerations relevant to public authorities within the assessment phase as:

1. Ensuring that information on the situation of children is disaggregated in a way that allows the consideration of different groups of children and give effect to the principle of non-discrimination.
2. Make user-friendly information and data on the situation of children in the public authority area available in a timely manner to public officials, civil society, and children.
3. Where possible, investigate past and potential impacts of budgetary decisions on children and young people through conducting internal audits, evaluations, and studies of the impact on children of past resource generation, allocation, and expenditure.
4. The assessment phase should take into account the views of children and young people as well as those who are working with or caring for them.

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<sup>4</sup> OHCHR. *General comment No. 19 (2016) on public budgeting for the realization of children's rights (art. 4)*. [online] Available at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-19-2016-public-budgeting>

Budget planning should be based on reliable, timely, and disaggregated data on children's rights in Scotland. Linking budgetary allocations to specific children's rights outcomes can provide information on which budgetary allocations directly target and indirectly affect children's rights.

## **Budget approval**

Best practice indicates that locally elected officials and decision makers should have a clear understanding and consideration of how budget proposals within the public authority aim to advance children's rights and improve children's wellbeing and how the views of children are reflected in these decisions. Adequate time and resources for effective scrutiny of budget proposals in light of children's rights obligations are useful in this regard. Public authorities, at the approval stage of the budget, may wish to consider:

1. The extent to which there is adequate access to information about the situation of children within the public authority area that is easy to understand.
2. Sufficient time within the budget process to receive budget proposals, include children in the review and debate of the proposals, and adopt amendments where necessary.
3. The extent to which principles of process have been in place through formulating the budget, e.g., in regard to participation of relevant stakeholders, including civic society organisations, child advocates, and children themselves.

## **Budget execution**

In executing the budget across the year, public authorities may wish to adopt and maintain transparent and efficient public finance mechanisms and systems to ensure value for money when goods and services are purchased to advance children's rights. Executing the budget efficiently may be possible with the help of assessments to understand and remedy where ineffective or inefficient expenditure of the budget takes place. Ensuring efficiency should not compromise the availability or quality of the goods or services procured for advancing children's rights.

Established budgetary processes recommend that reporting should be conducted internally throughout expenditure of the budget and that in-year budget reports are made publicly available in a timely and accessible manner. These reports can enable civic society and children themselves to monitor the outcomes of public spending. Public authorities may decide that the reports provide clear information on how children's rights have been progressed as intended at the approval stage of the budget. Where budgetary lines have been revised, public authorities can assess and make available information on how the revision of expenditure may impact children and young people's rights realisation.

## **Budget oversight**

Public authorities may wish to conduct a comprehensive assessment of budget needs and establish transparently where revenue has been collected and what expenditures have been made that affected positively or negatively on children's rights realisation. Public authorities may decide to work closely with civic society, as well as children and young people in Scotland, to enable affected groups to make contributions to the evaluation and analysis conducted within budget oversight. This would require budgetary information at the end of the year to be made publicly available in a transparent and timely manner to facilitate meaningful participation.

Finally, end of year oversight of public resource generation, allocation, and expenditure related to children's rights can be used to inform the assessment phase of the upcoming year's budget formulation. Budget oversight for public authorities can provide an evidence base for future decision-making and resource prioritisation for the advancement of children's rights.

### **Participatory budgeting with children in Derry and Strabane**

When public funds became available for community projects in Derry and Strabane, their Child Friendly partnership invited young people to share their ideas for how it should be spent through a participatory budgeting process.

Individual projects could apply for awards of up to £1,000 to be spent across eight local growth areas, to help transform local communities for the better.

The local Youth Advisory Group led the process. The group was involved in co-designing the concept, developing child friendly application forms, eligibility checks around voting and encouraging their peers to submit bids.

Children and young people got together in groups and submitted videos about their ideas for how the money should be spent. A vote was held to choose the winning videos, which included local clean-up projects, sports activities like basketball and cricket, and wellbeing initiatives.

This was the first time in Northern Ireland that a participatory budgeting process was led and co-designed by young people. This short case study demonstrates the potential advantages of bringing in young people's voices on how money should be spent within their local area.

## **4.3 Equality and non-discrimination**

'Equality is about ensuring that every child has an equal opportunity to make the most of their lives and talents, and that no child has to endure poor life chances because of discrimination'.<sup>5</sup> To ensure that Scotland is the best country in the world to grow up, we must treat all children and young people fairly and provide targeted support for children whose rights are at risk.

The Public Sector Equality Duty (PSED) requires equality to be considered in all<sup>6</sup> functions of public authorities, including decision-making, in the design of internal and external policies and in the delivery of services, and for these issues to be kept under review. In addition, The Fairer Scotland Duty places a legal responsibility on named public bodies in Scotland to actively consider how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. These duties are covered briefly in section 5.1.1 of this guidance and specific guidance on the duties is available.

5 Children's Commissioner for Wales (2017), [The Right Way: a children's rights approach in Wales](#), p8

6 There are some exceptions relating to certain functions, such as immigration and judicial functions.

### 4.3.1 Inclusive communication

This section focuses solely on inclusive communications as a key consideration to support equality and non-discrimination and all other principles of a children's human rights approach.

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“Not every family is the same. There are some children and families needing help more than others... all children should be supported to reach their potential no matter who they are and where they come from.”

### Children and Families panel member working on the Child Rights Skills and Knowledge Framework

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Inclusive communication means sharing information in a way that everybody can understand, which takes into account potential barriers such as age and maturity, language, or disability. Inclusive communication supports individuals to use whatever approach best suits their needs. This applies to all types of communication: verbal, written, face-to-face, digital or online. When creating and sharing information and planning and delivering services, public authorities should consider the communication needs and preferences of children and young people, to apply an inclusive approach.<sup>7</sup>

Inclusive communication is an integral part of each of the five principles of the Welsh children's rights approach and is fundamental in the implementation and embedding of rights, such as Article 2 (non-discrimination), Article 12 (right to express a view and have that view taken into account) and 42 (right to knowledge of UNCRC). Article 13 gives children and young people the right to seek, receive and impart information in a variety of formats. The Scottish Government have created an [inclusive communication guide](#) to act as an information and self assessment tool for public authorities.<sup>8</sup>

To experience their rights fully, children and young people should have access to information in a format that they understand. When this does not happen, there is a risk their rights are not being respected. For public services which have a direct or indirect impact on the lives of children and young people, consideration should be given to how children and young people are supported to access and understand information. Children's inclusive communication needs are often overlooked, resulting in lengthy, text based, and complex documents.

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<sup>7</sup> [Definition of inclusive communication - Principles of Inclusive Communication: An information and self-assessment tool for public authorities - gov.scot \(www.gov.scot\)](#)

<sup>8</sup> [Principles of Inclusive Communication: An information and self-assessment tool for public authorities - gov.scot \(www.gov.scot\)](#)

## Why is inclusive communication important?

Communication is the process of giving or exchanging information and expressing views, feelings and ideas. It helps us to connect, empathise and understand one another. In a neurodiverse world it is important to recognise that children understand information and express themselves in different ways.

Recognising the importance of inclusive communication and safe, accessible and respectful spaces where children and adults feel comfortable to share their views and work collaboratively is an essential component of supporting children to meaningfully participate and experience their rights.

Inclusive communication enables children to:

- gain full access to services
- understand what service providers are telling them so that the advice, guidance and information provided by the services makes sense to them
- be understood by service providers so that they provide better quality and more effective services for children
- have a more positive experience of services and be less likely to need to challenge service providers
- understand if their rights are not being fully respected to allow them to challenge service providers
- raise a complaint or provide feedback in an age appropriate way
- maintain the motivation to access services that make positive changes to their lives.

To support all children as rights holders we must consider the most effective, accessible and inclusive ways to communicate with them recognising both collective and individual needs.



## **How can an inclusive communication approach be promoted and implemented?**

When working with children and young people it is important to identify their communication needs and preferences as early as possible and tailor approaches to meet these needs. Inclusive communication should be applied in all situations where you are working with children e.g. sharing a new policy to running a workshop to find out about children's views on a particular issue.

The Scottish Government sets out six principles of inclusive communication and we have adapted the principles to focus on children and young people:

### **1. Communication accessibility and physical accessibility are equally important**

All children and young people who use public services have the right to access them on an equal basis. To make your services fully accessible means considering communication accessibility as well as physical accessibility.

### **2. Every community or group will include people with different communication support needs**

You should presume that every group you are working with, or expect to work with, includes people with communication support needs. Inclusive communication should be considered at all times, whether providing information or planning an event, meeting or activity. Good communication practice will help you reach your target audience more effectively and allow people to access services on an equal basis.

### **3. Communication is a two-way process of understanding others and expressing yourself**

Quality service delivery is when the service provider and person who uses the service understand each other, and the person who is using the service is able to express their needs and choices effectively. Everyone communicates differently, it may take more effort and time to ensure that the child or young person who is using the service and the service provider understand each other. You need to:

- match your communication to the needs of the children who use the services
- recognise and respond to the variety of ways that individuals may express themselves.

### **4. Be flexible in the way your service is provided**

To match the way you communicate to the needs of all the people who use services, do not take a 'one size fits all' approach. It is important to consider how changes to the way services are delivered will affect the people who use them. A 'one size fits all' approach will not work, as one system will not meet the needs of all the children who use services.

### **5. Effective participation of children with different communication support needs**

To help you identify the full implications of service changes for all members of the community, involve children who use these services, from the beginning of the change process. Services delivered around the needs of the children who use them will be more cost effective, user-friendly and fit for purpose. It is important that children have the opportunity to participate in the change process in the same way that others can.

## 6. Keep trying

Even small, simple changes to the way you communicate will make a big difference to your service delivery. Some changes may take longer, but will deliver positive outcomes, resulting in cost efficiencies and better services for children.

### Implementing an inclusive communication environment

[The Lundy Model of Child Participation](#) provides useful insight into how adults can create environments and interactions that facilitate children's meaningful engagement. The elements of space and voice within the model may be of particular interest to those considering how an inclusive communication approach can be applied.<sup>9</sup>

It is important to be aware of the different communication needs of all children and young people including those who are seldom heard, for example: children in care, ethnic minority children, disabled children, and those who are disadvantaged or affected by poverty.<sup>10</sup>

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“Due to our boys’ autism, we have learned to communicate in more ways than just speech. We have to be their voices so their views can be heard”

### Children and Families panel member working on the Child Rights Skills and Knowledge Framework

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“Adults need to realise that children are often more anxious and worried than they seem. They wrongly assume that being quiet is good behaviour. These children need your help to voice their opinions and concerns.”

### Children and Families panel member working on the Child Rights Skills and Knowledge Framework

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<sup>9</sup> [The Lundy Model of Child Participation](#)

<sup>10</sup> *A Practical Guide to Including Seldom-Heard Children and Young People in Decision-Making*. [online] Available at: [A Practical Guide to Including Seldom-Heard Children and Young People in Decision-Making](#)

## Inclusive communication case study 1: Rights Right Now!

The Scottish Government works collaboratively with children and young people to plan the national children's rights awareness raising campaign – the story of the young people's awareness raising subgroup.

Young People from '[Rights Right Now!](#)' were invited to be part of an online subgroup and undertake research to explore communication tools and techniques that were most effective in capturing the attention of their peers. Children and young people's communication needs and preferences were of utmost importance and an inclusive communication approach was applied from the outset.

We developed an understanding of the communication needs and preferences through conversations with the children and young people and adults who knew them well. By doing this we were able to tailor approaches to meet their needs and preferences. This applied to communication before, during and after the subgroup sessions. For example: the invitation sent to the children and young people for the subgroup was presented in a child friendly format. All elements of the subgroup were co-designed with the children and young people: the purpose and aims; the shared leadership; the culture; and session structure and pace.

### Planning and preparation

- Before the first session a 'getting to know you' leaflet was shared to establish relationships
- Before each session, information was issued in a child friendly format to support young people's understanding of the topic, the aims of the session, their role and what to expect

### Inclusive communication embedded in subgroup activities

#### Online environment

- Created a friendly and welcoming ethos.
- Applied [advice](#) developed by Rights Right Now!
- Considered factors conducive to effective communication: minimised background noise and external interruptions; checked young people's knowledge of key features such as the mic and hands-up button; child friendly format applied to all materials shared during the session such as PowerPoint slides

### Inclusive interactions

- Adult facilitators kept cameras on and looked at the camera when speaking
- A flexible participation approach applied to support and encourage interactions. Young people could choose whether to have cameras on or off; contribute verbally or through the chat function; or take on a listening role and submit ideas after the meeting
- Opportunities for structured and unstructured dialogue
- Time offered to all participants to contribute uninterrupted in a style of their choice

- Information shared in a clear and concise way at a pace that suited young people's needs. Adults minimised the time they spent talking
- Used visual aids to support understanding and sharing of ideas
- Full group paused for short periods to offer time for reflection and questions
- Active listening ensured interactions felt safe and encouraged open sharing of opinions and ideas

## **Easy read approach to content-writing to support inclusive communication**

An easy read document is written and designed to be understood by the audience you wish to communicate with. The approach is about communicating with children to meet their needs and preferences. This applies to all types of communication including verbal and written exchanges, in person meetings, digital content and online interactions.

Easy read versions are usually much shorter than the original text and aim to capture the main points rather than provide extensive detail. By providing key pieces of information, Easy read versions can support children's understanding of what is in the original document and signpost readers to other sources if they wish to explore the issue further.

Preparing and publishing an Easy read version can be done in a rights respecting way, where the version is created in partnership with children, for example: co-designing materials through workshops; consulting on draft documents then editing based on children's feedback; and regular check-ins to evaluate quality and identify areas for improvement that can be applied to future communications.

Other mediums of communication may also be considered to accompany an Easy read piece, such as a short video or animation, to explain key pieces of information. Children may be more willing to engage in watching a short, captioned video than to read an Easy read document.

### **4.4 Empowering children**

'Empowering means removing barriers to children's access to information or resources that enable them to understand and exercise their rights. Empowerment is about enabling children to make choices and to affect outcomes for themselves and their families.'<sup>11</sup> To have a Scotland where children's rights are respected, protected and fulfilled, we need to enable all children to be aware of and understand their rights. We can do this by creating and amplifying systems that enable children and young people to be empowered human rights defenders.

This section shares how public authorities may wish to raise awareness of UNCRC as part of their children's human rights approach.

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11 Children's Commissioner for Wales (2017), [The Right Way: a children's rights approach in Wales](#), p10

#### 4.4.1 Raising awareness of UNCRC and children's rights

“To be useful, rights must be known and understood... children must be aware of child rights, understand the concepts, and be able to put them into practice” (UNICEF, 2022).

For cultural and systemic change to happen in Scotland, it is critical that rights holders, those who represent, and support rights holders and public services are fully aware of the UNCRC, and how the rights relate to the lives of children. Raising awareness of the UNCRC is a significant part of influencing the cultural shift we hope to see in Scotland, it can support children to seek access to justice and set the foundations required for progressive realisation of the rights of children.

Often referred to in practice as ‘raising awareness of rights’ or ‘knowledge of rights’, [Article 42](#) of the UNCRC states the following:

“States Parties [which includes public authorities within its definition] undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.”

In 2024 the Scottish Government will be leading a national awareness raising programme. Working with partners, it will deliver small and meaningful pieces of awareness raising work that interconnect with targeted audiences, leading to an evolving national programme. Collectively they will ensure that children's rights become more familiar in public life leading to a culture shift in their favour.

#### Awareness raising with the workforce, rights holders and their advocates

“Young people should be aware of the UNCRC as this treaty empowers them to understand how these rights apply to them in all areas of their lives and to exercise their rights when they are not being met. It also enables children and young people to have their voices heard so that they are listened to and taken seriously.” (Young person, 14, East Dunbartonshire, Young Scot).

To meet Article 42, to “undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike”, public authorities may wish to consider what arrangements are currently in place to support UNCRC awareness across their workforce, and steps required to address gaps. Whilst all members of the workforce should have the awareness, skills and knowledge required to raise awareness of the UNCRC with rights holders and their advocates, it may require certain individuals to develop an enhanced level of awareness and experience.

Awareness raising work with rights holders could consider a number of factors, such as their age, previous knowledge of their rights, experiences, available resources to build understanding, and preferred ways of learning. Awareness raising should be both universal and targeted, depending on the public authority and the groups of children affected, directly or otherwise, by the range of functions delivered. When rights are embedded in their everyday experiences and interactions, children and young people, as active learners, become increasingly aware of their rights and are empowered to put them into practice. An example of this could be a child's participation at school in UNICEF's Rights Respecting School Award or Children's Parliament's Dignity in School programme, which bring rights into learning.

It's also important to consider awareness raising with parents, carers and family members as they will speak up for their children and make sure their rights are being met. They do this every day, for example when they chase up a medical appointment for their child or when they talk to teachers about how to support their child's access to learning. The Scottish Government have published a [UNCRC guide for parents, carers and families](#) which may support your awareness raising work.

Public authorities may wish to consider the intention behind raising awareness. The aim is for rights holders to not only become aware of the UNCRC and the rights afforded to them under the Act, but to be able to identify when their rights are not being respected, protected and fulfilled and be empowered to seek redress, through a number of means, should they believe their rights are being breached.

Awareness raising work is active work. It is not merely concerned with passively sharing information from one party to another, it is about informing so that attitudes, behaviours and norms are changed.

Awareness raising work that is informed by, led or co-produced by children and young people serves as a lived example of [Article 12](#) (right to express a view and have that view taken into account) and Article 42 (knowledge of rights) being applied in practice. Often, when awareness raising work is led by children and young people, it is particularly relevant and meaningful and has powerful impact. The Make It Right Campaign (see Raising awareness case study 1 below, p32), led by North Lanarkshire Council was a child led awareness raising campaign.

In addition to children and public authorities being aware of children's rights, it is also critical that anyone involved in the upbringing of the child is also aware and able to advocate on their child's behalf if required. This is particularly relevant for certain groups of children, such as those who are non-verbal or who require advocacy for a variety of reasons. Anyone with parental rights and responsibilities will benefit from an enhanced awareness and understanding of child rights.

For children and young people whose rights are at risk, raising awareness is critical. Organisations and agencies that have a close working relationship with specific groups are best placed to lead targeted work as many of the traditional routes for awareness raising would not be sufficient.

## **Undertaking work to raise awareness**

Raising awareness can happen through a wide range of methods and success lies in having clarity at the start about what the awareness raising work is trying to achieve. Public authorities may wish to consider the following key areas to explore when setting out on new awareness raising work.

### **The System**

The first stage of any awareness raising campaign is to understand the current system you are operating in: What resources are already available? What is working or not working and why? What aspects of the UNCRC are we raising awareness of and why?

## Research and Knowledge

Source any available research findings to help understand the problem or issue to inform planning: Has any relevant research been conducted? Can you conduct some research yourself or speak to as many different people as possible who are connected to the issue? Who is the audience, is it universal or targeted? Is it children, their carers and advocates, members of the workforce?

## Partnership

Your messaging and campaign will be stronger and more effective if you work with other stakeholders: Who can you work with to gather a wide range of perspectives connected to the issue? Can you form a network or steering group to help inform the planning and delivery of the work?

## Participation

Including the voice of lived experience in the early stages of planning is essential: In what ways can you work with children and young people, their parents, carers and families to help inform your message and wider campaign?

## Timescale

Create clear time parameters as well as some contingency; the process of raising awareness can be lengthy. How much time do you have allocated for the planning stage? Is the campaign time bound?

## Platform

What are the most relevant and impactful platforms? There are multiple methods to maximise the reach:

1. social media, blogs, videos, music and podcasts
2. physical resources e.g. booklets, books, leaflets, badges and t-shirts
3. events e.g. workshops, exhibitions, discussions, debates, seminars, festivals and conferences.
4. community hubs e.g. schools, doctors surgeries, health centres, community centres and libraries
5. universal messaging e.g. television, radio, newspapers and billboards
6. arts e.g. spoken word, music, theatre and comedy

## Launch

Having an event either online or in person to launch the campaign or resource can help with promotion and create excitement and interest. Could you write a press release, or generate media interest by other means?

## Test

How would you monitor the impact of the awareness raising work and measure whether you have achieved your goal? Could you run a pre and post-test survey or interviews? Could you measure social media interest/engagement?

## Examples of awareness raising in practice

### Raising awareness case study 1: Make It Right Campaign

The Make It Right Campaign was developed by North Lanarkshire Children's Services Partnership which worked with a group of nine young people to create a children's rights awareness raising campaign. The purpose was to inform other young people about their rights and for adults and public sector organisations to help safeguard their rights. They wanted to shine a light on life without children's rights, encourage young people to know what their rights are and signpost them to resources.

The young people were involved in all stages of the production: the campaign concept and strapline, defining the audience, outlining the objectives, and deciding where and how it would be marketed. They also appeared in awareness raising videos and contributed to every aspect of the marketing and communications campaign, working closely with North Lanarkshire Council's Corporate Communications and Community Learning and Development teams.

Michael (16), who helped with the campaign, said:

"We identified what we thought other people wanted to know about children's rights and what our message to them about UNCRC was. I enjoyed the experience and some of the things I haven't done before like planning, audio and filming, have introduced me to different skills."

The campaign was run on local billboards, social media sites and on [YouTube](#).

Councillor Angela Campbell, Convener of Education and Families said:

"The work by the young people involved in this project is simply outstanding. It has raised an important issue in that we as partners, must ensure that we do everything we can to promote and support children's rights every day, as we deliver services to people and communities across North Lanarkshire."

More information about the campaign can be found on [North Lanarkshire Council's website](#).



## Raising awareness case study 2: UNCRC Parents' Booklet

In 2022 a new booklet was co-produced by parents' organisations and the Scottish Government's Children's Rights Unit, who all recognised a gap in resources for parents, carers and families around children rights.

Taking a systems thinking approach, a network of stakeholders committed to raising awareness of UNCRC was formed. They began by gathering all current research that considered what parents knew and understood about the UNCRC as well as speaking to parents and families across Scotland. The network then conducted their own research with more families, focusing on parents of children whose rights were at risk. They were asked what they knew about the subject, what they wanted to know and how they wanted to receive the messaging.

The network then spent time discussing what tone the booklet should take, how they wanted parents to feel after reading it, and the content. They worked with an advertising and digital agency to write the booklet and tested it with parents throughout the process.

Once completed, the booklet was made available in hard copies and [digital format](#).

## Raising awareness case study 3: Activate Your Rights (#AYR)

In September 2019 the Scottish Government funded Young Scot in partnership with Children in Scotland to create materials with the aim of raising the awareness and understanding of children's rights to all sectors of society in Scotland. This was to meet the requirements of Scottish Government as set out in [The Progressing the Human Rights of Children in Scotland: An Action Plan, 2018-2021](#). The new resources were co-produced by 20 children and young people from across Scotland, with a range of lived experience.

The programme created a [facilitators pack](#) to be used by people working with children and young people, to help explore knowledge of rights through fun, interactive, age appropriate activities. The activities are themed around Rights Awareness, Rights in Action and Rights Resilience.

## 4.5 Participation

The term 'participation' is broadly used to describe a range of practice and methodologies, which enable children and young people to be heard in decision making. It is an important mechanism to ensure that decision makers listen, communicate, and consider the views of children and young people on all aspects of their lives. Children and young people have the right to be involved in any decisions that affect them whether that be national, local or individual.

Under [Article 12](#) of the UNCRC, 'every child and young person who is capable of forming their own views has the right to express those views freely, either themselves or through a nominated person such as a trusted adult, in all matters affecting them, with those views being given due weight in accordance with the age and maturity of the child and young person. In particular, consideration should be given to how to get views where children and young people's views are not known on a matter that is likely to have an impact on them.' This is particularly pertinent where the child is involved in judicial or administrative proceedings.

Participation is a key part of recognising, respecting, and promoting children's rights. The UN Committee of the Rights of the Child developed [General Comment 12 \(Paragraph 134\)](#) which gives more information about the right to participate in decision-making ([Article 12](#)), including in specific types of decisions such as separation of parents, custody, care and adoption and health care. The Committee makes a distinction between the right to participate in decision-making as an individual child and the right to participate in decision-making as applied to a group of children (e.g. a class of schoolchildren, the children in a neighbourhood, the children of a country, disabled children, or girls). As well as giving children the right to participate in decision-making in any judicial and administrative proceeding affecting the individual children, the views expressed by children may add relevant perspectives and experience and should be considered in decision-making, policymaking and preparation of laws and/or measures (as well as their evaluation) in all relevant contexts of children's lives.

There are examples of legislation with specific duties to seek and take into account children's views. For example, the Education (Additional Support for Learning) (Scotland) Act 2004 places a duty on education authorities to seek and take into account the views of children and young people, unless the education authority is satisfied that they lack capacity to express a view.

General Comment 12 sets out nine basic requirements for effective participation. Effective participation must be:

- Transparent and informative
- Voluntary
- Respectful
- Relevant to children and young people
- Child friendly
- Inclusive
- Supported by training
- Safe and sensitive to risk
- Accountable

For more detail see section D of [General Comment 12](#).

## Why is participation important?

Participation gives individuals the opportunity to have their say on a range of issues, to shape decisions and create positive outcomes and changes. Research evidence supports the view that participation in decision-making brings about:

- Effective policy and decision-making
- Improved services design
- Autonomy
- Opportunities for action on the part of children and young people

There are no prescriptive means of participation for any particular setting. There are many forms and different types of participation, including:

- Consultations
- Surveys
- Focus groups
- Activism
- Creative work
- Co-design
- Citizen assemblies

## How to deliver participation

To ensure meaningful engagement of infants, children and young people, where their views are truly explored and valued, it is important that participation should be viewed as a process, not a one-off event. Tokenistic approaches are to be avoided i.e. where children and young people's views are sought, but not adequately taken into account. Participation should be designed as part of an ongoing conversation between children and adults by:

- Recognising and supporting children's own actions, activities, and activism (which may not involve adults)
- Recognising the importance of inclusive, safe, accessible, and respectful spaces where children and adults feel comfortable to share their views and work collaboratively
- Offering an open attitude that ensures authentic engagement without tokenism

Further evidence of successful participation emphasised the need for participation projects to have clear aims and outcomes and processes in place for monitoring, opportunities for feedback and evaluation, and the use of creative means of engagement wherever possible (such as play, art, music, drama or design).

When considering a child friendly approach to participation, it is key to communicate with children and young people using the most appropriate approach to meet their needs and preferences. Please see the [“4.3.1 Inclusive communication”](#) section.

The Children and Young People's Commissioner Scotland (CYPCS) [7 Golden rules for participation](#) may be useful. They are designed to help anyone working with and for children and

young people to support them to understand, experience and exercise their participation rights. They are informed by the UNCRC General Comment 12 on right to participation in decision-making ([Article 12](#)) and they were developed in consultation with children and young people. They are available to download in a number of accessible formats and languages.

[A Practical Guide to Including Seldom-Heard Children and Young People in Decision-Making](#) provides a practitioners' toolkit and includes sections on:

- structures for groups of seldom-heard children and young people in organisations
- creating a safe and friendly environment for seldom-heard children and young people
- ways to engage with seldom-heard children and young people

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“C went to the dentist this week and the staff were understanding of his needs, by asking if he wanted the lights dimmed, music playing, headphones on and to play with the reclining chair first.”

## **Carer from Children and Families panel working on the Child Rights Skills and Knowledge Framework**

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The [Lundy Model of Child Participation](#), by Professor Laura Lundy, Queen's University Belfast, provides a way of understanding a child's right to participation and includes four key elements – space, voice, audience and influence.

There is a range of models of participation: including [Hart's Ladder of Participation](#), [Treseder's Degrees of Participation](#) and [Shier's Pathway to Participation](#). For those working with very young children, you may wish to consult the [Voice of the Infant: best practice guidelines](#).

You should also be mindful that children have a right to refuse to participate or express their views.

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“Be aware that children who are on a recovery from severe and complex trauma may find certain subjects too difficult to address. However, they may want to participate in wider conversations and may also wish to have their views made known through a professional or family advocate. Simply ask.”

## **Comments from Children and Families panel working on the Child Rights Skills and Knowledge Framework**

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## Listening and paying attention

Children communicate in different ways. Listening and paying attention may be particularly useful to support specific groups of children to express their views, for example: babies who are pre-verbal, children who have communication difficulties, disabled children, and those who have found other ways to express their feelings. It's important to find methods of paying attention to all children and young people which will mean adapting how you engage with them.

When considering the views of babies and infants, the [Voice of the Infant: best practice guidelines](#) support professionals to take account of infants' views and rights in all encounters they may have with statutory or third sector services, or in public spaces such as shops, libraries or galleries. These guidelines offer suggestions about how those who work with babies and very young children can notice, facilitate and share the infant's feelings, ideas and preferences communicated through their gaze, body language and vocalisations.

For children and young people who are unable to express their wishes due to communication difficulties, lack of understanding or an assessed lack of capacity due to factors that may include their age or a disability, non-instructed advocacy can support their feelings and views to be expressed and shared with others. Further information on non-instructed advocacy can be found in section 4.6.2 of this guidance.

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“Be aware that we might need to tell you something without using our voice.”

## Comments from Children and Families panel working on the Child Rights Skills and Knowledge Framework

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## Examples of participation in practice

### Participation case study 1: Cabinet Takeover

The annual meeting of all Cabinet Ministers with children and young people (CYP) demonstrates, at the highest level of government, the Scottish Government's commitment to meaningfully and credibly engage with CYP on issues that matter most to them. CYP have the opportunity to represent the views of their peers from across Scotland, lead discussions and inform the government's agenda by collectively agreeing to actions and commitments for the coming year.

In line with [Article 12](#) of the UNCRC, it gives CYP the opportunity to influence national decisions, effectively participate in wider civic society and shape the future Scotland they want to live in.

### Participation case study 2: Children and Young People's Mental Health Task Force

This approach was to support the implementation of a programme of education and training for staff who work with children and young people in Scotland. The Joint Delivery Board Engagement Officer worked closely with a group of young people to ensure their views were represented within the Framework.

This work is continuing through the Children and Young People's Mental Health and Wellbeing Joint Delivery Board as part of the Task and Finish group 6 - developing a programme of education and training to increase the skills and knowledge required by all staff to support children and young people's mental health. Comments were developed into a draft [job description](#) for 'One Good Adult' which outlines the skills required for adults to support children and young people's mental health. This resource will be used in communications and awareness raising about the Framework.

## Participation of children as part of securing better or further effect of rights

Participation is an important mechanism to achieve progressive realisation of rights in all areas of public authorities' work. It is useful to recognise different forms of participation to give positive and better effect to children's rights. Taking time to consider children's voices has the ability to change how our systems work. It is not something that only happens once but, instead, should be seen as an integral part of how things work, and embedded in everything you do. When children participate in processes, they are empowered and more able to contribute.

There are many methods and means of participation that can be used to engage with children and young people. The Spectrum of Participation, outlined in the Scottish Government's [Participation Framework](#), offers a way of considering different forms of participation. The Framework is designed to guide good practice in participation (across government) and is designed as a toolkit that you can refer to, and dip in and out as required, with the aim of helping users enhance the participation experience for all. It might be helpful to consider where your current work sits on the spectrum and what actions you can take to progress to more meaningful involvement from participants. Small changes in your approach can have a huge impact on the outcomes for you and the children you are working with.

	Activity	Offer to participants	Purpose
<a href="#">Inform</a>	To provide the public with balanced and objective information	<ul style="list-style-type: none"> <li>We will keep you informed</li> <li>We will provide information openly and transparently</li> <li>We will not withhold relevant information</li> </ul>	To inform those with an interest in the outcome (i.e. the public and stakeholder groups)
<a href="#">Consult</a>	To obtain feedback on analysis, alternatives, proposals and/or decisions	<ul style="list-style-type: none"> <li>We will keep you informed</li> <li>We will listen to and acknowledge your concerns and aspirations</li> <li>We will give serious consideration to your contributions</li> <li>We will be open to your influence</li> <li>We will provide feedback on how your input has influenced the outcome</li> </ul>	To inform those making the decision or developing proposals
<a href="#">Involve</a>	To work directly with participants throughout the policy/decision making process to ensure that their concerns and aspirations are consistently understood and considered	<ul style="list-style-type: none"> <li>We will keep you informed</li> <li>We will work with you to ensure that your concerns and aspirations are directly reflected in the outcome/alternatives developed</li> <li>We will provide feedback on how your input has influenced the outcome</li> </ul>	To enable participants to directly influence the decision/options developed
<a href="#">Collaborate</a>	To partner with participants in each aspect of the decision, including defining the issue, developing alternatives and identifying preferred solutions.	<ul style="list-style-type: none"> <li>We will look to you for advice and innovation in formulating solutions</li> <li>We will incorporate your advice and recommendations into decision/implementation to the maximum extent possible</li> </ul>	To share the development and decision making process (as much as possible)
<a href="#">Delegate</a>	To place final decision-making in the hands of the participants	<ul style="list-style-type: none"> <li>We will implement what you decide.</li> </ul>	To hand over the ability to make decisions and/or take action

### Participation case study 3: Involving children and young people in planning in Aberdeen

As part of their work with Child Friendly Cities & Communities, Aberdeen City Council involved children and young people in the redesign of the city centre, which had been struggling to recover from the Covid-19 pandemic. The planning team received child rights training with a specific planning focus to support a children's human rights approach. The planning team engaged children using a variety of methods, including online meetings and face-to-face sessions, and took over 100 children to visit the city centre and beach. They heard directly from children about how they feel in those spaces and what they would like to see in the future. The team were careful to make sure they worked with different groups from across the city, including children and young people outside mainstream education whose views are not always considered.

Throughout the process, Aberdeen's planning department found children and young people to be most concerned about inclusivity and sustainability. Children and young people asked questions about how the space would work for disabled people, how it would adapt as the climate crisis develops, and what kinds of materials would be used to make sure the impact on the natural environment was considered. The planning team were able to take these perspectives into account in their plans for the city's redevelopment. The team also made sure to communicate regularly with children and young people throughout the entire planning process. This meaningful engagement embedded the perspectives of children and young people and resulted in spaces that considered the whole community and the natural environment – both now, and in plans for the future.

### Participation case study 4: Scotland's Climate Assembly

#### Background:

Climate change is widely recognised as a risk to children's health, wellbeing and rights. The Human Rights Council recognises that children are among the most vulnerable to climate change, and that this may have a serious impact on their rights, for example, it may reduce their ability to enjoy the highest attainable standard of physical and mental health, access to education, adequate food, adequate housing, safe drinking water and sanitation.<sup>12</sup>

Climate change also poses a direct threat to children's identities, their future livelihoods and their relationship with the environment.

#### Specific child rights affected by climate change

The UN Committee on the Rights of the Child has recognised climate change as “one of the biggest threats to children's health”,<sup>13</sup> as well as its adverse impact on the rights to primary and secondary education (Article 28), adequate standard of living (Article 27), safe drinking water and sanitation (Article 24). In fact, children's vulnerability to climate change poses an immediate and far-reaching threat to the enjoyment of many, if not all, rights enshrined in the UNCRC, and notably the right to life, survival and development (Article 6).

<sup>12</sup> (OHCHR | *Summary of the Panel Discussion on the Adverse Impact of Climate Change on States' Efforts to Realize the Rights of the Child and Related Policies, Lessons Learned and Good Practices - Report of the Office of the United Nations High Commissioner for Human Rights*, n.d.) [1705282 \(un.org\)](https://www.unhcr.org/refugees/1705282)

<sup>13</sup> Children's Parliament, 2022, *Climate Changemakers! Impact Report*. Children's Parliament [online – page 5] Available at [Climate Changemakers Childrens Parliament 2022.pdf \(childrensparliament.org.uk\)](https://www.childrensparliament.org.uk/Climate-Changemakers-Childrens-Parliament-2022.pdf)



## Action taken

Scotland's Climate Assembly brought together over 100 individuals, representative of the Scottish population (aged 16+), to learn about, discuss, and make recommendations on how Scotland should change to tackle the climate emergency in an effective and fair way. They submitted their report and recommendations to the Scottish Parliament in June 2021.<sup>14</sup>

Scottish Government invited the Children's Parliament to support the participation and engagement of younger children across Scotland, to ensure their views, experiences, and ideas informed the discussions and recommendations. Between October 2020 and March 2021, they engaged over 100 children and young people from across Scotland.

The children and young people were supported to express their views, ideas and experiences and to develop the skills, knowledge and confidence to take their calls to action to relevant authorities and decision makers through creative, digital and play-based participatory activities.

During Assembly meetings the views and insights from the young investigators were shared with the Assembly members through video contributions. A smaller group of adult Assembly members also met with the young investigators to discuss the recommendations being drafted. The children's calls to action were fully integrated with the adults' recommendations in the Assembly's report and the Scottish Government response.

Children's Parliament highlighted the importance of ensuring children felt emotionally supported, informed and hopeful at every stage of the process and also provided their teachers with guidance on climate anxiety and safeguarding, which was developed with climate psychologists. In line with Article 17 of the UNCRC (children have the right to information), the children and young people were provided with accessible and age appropriate information.

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<sup>14</sup> Children's Parliament, 2022, *Climate Changemakers! Impact Report*. Children's Parliament [online] Available at [Climate Changemakers Childrens Parliament 2022.pdf \(childrens-parliament.org.uk\)](https://www.childrens-parliament.org.uk/wp-content/uploads/2022/04/Climate-Changemakers-Childrens-Parliament-2022.pdf)

The Head of the Climate Assembly Secretariat, Susie Townend, defined the impact the children and young people's views had on the Climate Assembly in three ways:<sup>15</sup>

- Adults recognised the responsibility they had toward children and young people – their statement of ambition states that “if we fail to act now, we will fail our current and future generations in Scotland and across the world.”
- Adults learned from the children's ideas – particularly after having the opportunity to meet with the children. Townend noted “They heard what you had to say on plastics, on how we build homes, on tree planting, on creating jobs for you to do in the future, and they've made similar recommendations so I think we can see how you have influenced what they decided.”<sup>16</sup>
- Working with the children and young people created a shared purpose – the views of the children and young people involved are included in the calls to action.

Children's participation in Scotland's Climate Assembly has been a unique and significant realisation of children's right to participate in decision-making processes. They took a hope-based, solution-focused approach underpinned by a commitment to upholding and further realising children's human rights, with the support of climate distress experts, to ensure children felt valued, supported and empowered in this process.

### **Participation case study 5: Early Years inclusive consultation in Lambeth**

The Child Friendly Lambeth partnership created a range of interesting ways to consult children and young people across the London borough as part of the Discovery phase of their journey to become recognised as a UNICEF Child Friendly Community.

The Child Friendly Lambeth team wanted to ensure that the voices of children under five were heard at this crucial stage of the programme, but recognised that traditional consultation may not be appropriate. As a solution they developed the Under 5s Children's Voice project so that this age group could share their own unique experiences of the world around them and have a say in shaping the local spaces and services that have a direct impact on their physical and mental wellbeing.

Child Friendly Lambeth developed guidelines for children's centres and early years settings, and bought and shared disposable cameras. The team asked children and their caregivers to take photos of the things they liked in Lambeth, the places they liked to go, and the things they thought made Lambeth special. The images captured a vast range of activities and spaces, from playgrounds and green spaces to local services, and formed part of a local display. This was a crucial part of informing the selection of the priority areas for Child Friendly Lambeth.

<sup>15</sup> Children's Parliament, 2022, *Climate Changemakers! Impact Report*. Children's Parliament [online] Available at [Climate Changemakers Childrens Parliament 2022.pdf \(childrensparliament.org.uk\)](https://www.childrensparliament.org.uk/Climate-Changemakers-Childrens-Parliament-2022.pdf)

<sup>16</sup> Children's Parliament, 2022, *Climate Changemakers! Impact Report*. Children's Parliament [online] Available at [Climate Changemakers Childrens Parliament 2022.pdf \(childrensparliament.org.uk\)](https://www.childrensparliament.org.uk/Climate-Changemakers-Childrens-Parliament-2022.pdf)

## 4.6 Accountability

'Authorities should be accountable to children for decisions and actions which affect their lives. Children should be given information and access to procedures which enable them to question and challenge decision-makers.'<sup>17</sup>

This section covers child friendly complaints procedures and advocacy and the UNCRC. It shares information on giving feedback to children and young people and sharing relevant reports and information, which will support children and young people to claim their rights or challenge decisions and actions. It also covers how advocacy can support individual children to have a voice in matters that affect them.

### Feedback for children and young people on decision-making

When engaging with children and young people in decision-making, it is important to recognise that this is an ongoing process and they should be kept informed throughout.

The participation section of this guidance shares the Lundy model of participation. This model includes a recommended feedback process for use with children and young people, called the four Fs approach:<sup>18</sup>

- Full: detailed feedback should be shared with children and young people which explains which views were taken on board, and which were not. This should also explain the reasons for these decisions, who is taking forward actions and what the next steps are
- Friendly: responses or feedback for children and young people should be clear and understandable. The organisation should explain what they were told by children and young people and how their views were considered
- Fast: children and young people should be thanked for their contributions, told about initial steps, and given information about future plans as soon as possible
- Followed-up: children and young people should continue to receive updates throughout the decision-making process and on the impact of the work

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“Stay in touch with us and let us know the long-term effect of giving our views. Give us updates.” ... “If you don't get back to us to let us know what happened with our views you will lose our trust.”

### Comments from Children and Families panel working on the Child Rights Skills and Knowledge Framework

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<sup>17</sup> Children's Commissioner for Wales (2017), [The Right Way: a children's rights approach in Wales](#), p13

<sup>18</sup> Lundy, L. (2018). [In defence of tokenism? Children's right to participate in collective decision-making](#)

### 4.6.1 Child friendly complaints procedures

Children and young people use a wide range of Scottish public services, including schools, children and families social work, and health visitor services. Their experiences of those services can impact on many rights such as the right to education, the right to health and the right to seek, receive and give information. Children should be able to complain if they are unhappy with those services.

Therefore, public authorities may wish to consider implementing child friendly complaints procedures which are accessible to children, centred around their needs and in a format they can understand. Public authorities may wish to follow the [child friendly model complaints process](#) piloted by the Scottish Public Service Ombudsman (SPSO), available from April 2024.

The UNCRC Act will help children who consider that public authorities are acting (or proposing to act) in ways that are incompatible with the UNCRC requirements (as laid out in the Act) to seek legal redress through the courts. Where possible, it may be preferable to resolve disputes and complaints through the establishment and use of complaints processes. Where these approaches are not available, effective or sufficient, litigation could be considered but may not always be the best approach to seeking redress. Whilst litigation can play an important role in delivering a children's human rights approach in practice and may lead to the identification of legislation and practice which is incompatible with the UNCRC requirements, it is not the only approach to redress available.

It is important that mechanisms are in place to facilitate raising disputes and complaints about children's rights issues under the Act. Complaints procedures play an important role in improving and monitoring how children's rights are being implemented. Such procedures not only empower rights holders, and those acting on their behalf, to advocate for and claim their rights, but they can also hold public authorities to account.

### Child rights reports

Under section 2 of the Children and Young People (Scotland) Act 2014, listed public authorities have a duty to report every three years on the steps they have taken to secure better or further effect to the rights of children. The intention of children's rights reports is to support listed authorities in measuring the progress they are making with UNCRC implementation and to highlight potential areas where further activity might be necessary. The availability of public information at both local and national level increases transparency around UNCRC implementation and makes a direct link for the public between local services and outcomes for children and young people.

### 4.6.2 Advocacy and the UNCRC

For many children and young people access to advocacy can be fundamental in ensuring the realisation of their rights, particularly UNCRC Article 12 (right to express a view and have that view taken into account). Advocacy can also play a key role in the implementation of Articles 2 (non-discrimination) and 42 (right to knowledge of UNCRC).

## What do we mean by advocacy?

Advocacy supports individuals to have a voice in matters that affect them. The role of an advocate is to give better effect to a child or young person's right to express their views. Through advocacy, individuals can be supported to express their views themselves or an advocate can communicate with others on their behalf. Advocacy addresses barriers to participation and can redress any real or perceived imbalance of power between children and young people and adults.

Advocacy can ensure children and young people's views are heard in a range of situations such as meetings, consultations, complaints processes, conferences, panels, hearings, tribunals and court proceedings.

By strengthening their knowledge, understanding and confidence, advocacy can empower children and young people to develop and convey informed opinions and express their feelings on matters that influence their lives.

Engaging with advocacy services can support children and young people to develop life skills, resilience and confidence to manage future situations and challenges.

It is important that children wishing to access advocacy are supported to do so. Steps should be taken to ensure children have an understanding of what is meant by advocacy and an awareness of the advocacy services available to them and how to access these services.

## Types of advocacy

Advocacy may be provided on a one-to-one basis or collectively to a group of individuals experiencing similar or shared issues.

For children and young people who are unable to express their wishes due to communication difficulties, lack of understanding or an assessed lack of capacity due to factors that may include their age or a disability, non-instructed advocacy can support their feelings and views to be expressed and shared with others. In non-instructed advocacy, advocates use a variety of approaches to build a picture of the child or young person's life: their likes and dislikes; their feelings, choices and involvement in decisions that affect them; and their communication abilities and preferences. More information can be found in the [National practice model](#) for children's advocacy in the children's hearings system.

Approaches will be determined by the individual nature of each situation and the wishes and capacity of the child or young person involved.

## Provision of advocacy

Advocacy for children and young people can be provided in a number of ways and carried out by a range of individuals including their peers, parents, carers and professionals.

For example, the Children's Hearings (Scotland) Act 2011 places a duty (subject to certain exceptions) on the chairing member of a children's hearing to inform the child of the availability of children's advocacy services.

Professional advocacy is different to other types of valuable support provided to children and young people such as guidance from teachers, parents and counselling services.

Professional advocacy is provided by a range of organisations such as charities and specialist services across Scotland. Local authorities have a strategic role in providing advocacy support

for children and young people. They do this through commissioning services from organisations and, in some cases, provide advocacy themselves.

It is important that advocates work in a clear, accountable and transparent way and are able to deliver impartial support. The Scottish Government website provides [guidance on advocacy for children and young people](#).

### **Independent Advocacy**

In certain circumstances such as provision under the Mental Health (Care and Treatment) (Scotland) Act 2003, children and young people have a right to access independent advocacy if they choose to do so.

Organisations providing independent advocacy may do so exclusively or in a manner that separates their practice from any other services they provide.

The [Scottish Independent Advocacy Alliance](#) (SIAA) is a membership organisation that supports and promotes [independent advocacy](#) across Scotland. SIAA promote a children's human rights approach that is underpinned by their [Independent Advocacy Principles, Standards and Code of Best Practice](#).

[The Promise](#) makes a commitment to independent advocacy being available to children, young people and families who come into contact with the 'care system' at all stages of their experience, including lifelong advocacy, and sets out the principles this provision should be based on.

### **Advocacy case study 1**

By taking into consideration C's communication needs and preferences and creating an environment in which C felt comfortable and confident to express herself, a [My Say, My Rights](#) advocacy worker supported C to share her concerns, views and ideas with her school to develop inclusive communication approaches that met her learning needs.

A parent contacted [Enquire – the Scottish advice service for additional support for learning](#) for her daughter, C. C is 13 years old and dyslexic and was having some issues with support in school. After learning about C's rights to support and advocacy, her mum gave Enquire permission to pass on contact details to My Rights, My Say advocacy staff. An advocacy worker, Kim\*, contacted C's mum to arrange a meeting.

Kim, C and her mum met in a local café. C had chosen the location of this meeting. As well as demonstrating C's views were listened to and valued, accepting C's choice of venue ensured the meeting was taking place in an environment she felt comfortable in. At the meeting, C said she felt she was not getting the right support with her dyslexia. Kim explained her rights to her, and they agreed to meet again. C and her advocacy worker then met a few times to build up a relationship and trust.

C highlighted her concerns about her school not taking the right approach to supporting her with her dyslexia. She offered solutions that would help her in class such as: recording her notes; printouts being issued on blue, red or yellow paper; and her teachers being aware of her dyslexia. C thought that, because she was finding lots of different areas difficult, she might need an 'assessment of need'.

To move forward C asked to speak to the school with Kim. C told Kim that at previous meetings she had found the presence of multiple staff members intimidating. Kim liaised with the school and arranged a meeting with just one member of staff: the Deputy Head Teacher. This created a more comfortable environment for C. At the meeting with support from Kim, C shared her views. The Deputy Head Teacher listened to her and agreed to look into what was achievable and get back to C.

C was kept informed about what was going to happen after the meeting. With C's permission, Kim sent C's views to her local education authority as per My Rights, My Say protocol. C received a quick response from the local authority. They said they were working with the school to help her and that an 'assessment of need' would be carried out. Support was then put in place in school which helped C access her education and feel more confident.

The case study demonstrates the following advocacy points in action:

- Time was taken to build relationships
- C was given a voice in a matter that affected her
- Advocate addressed barriers to participation by supporting C with her communication needs e.g. meetings taking place in a comfortable environment, minimum adults in the space
- C felt valued and listened to
- As a result of advocacy teacher awareness and understanding of C's needs has increased
- C's views were listened to and actioned
- Feedback provided to keep YP in the loop on next steps and decisions.

\*Name has been changed for anonymity.

## 5. Links to other regulations and duties

This section outlines the links between the UNCRC and policy areas and duties such as Getting It Right For Every Child (GIRFEC), children's services' planning, and The Promise, which are policy areas providing services directly to children. These policies are already grounded within a children's human rights approach.

Public authorities play a vital role in delivering for children, young people and their communities. They are fundamental in ensuring children are able to access and experience their rights, by taking a children's human rights approach, through their leadership and implementation of a range of statutory duties, and through national and local programmes of work, aimed at improving outcomes for children, young people and families.

Taking forward work to Keep the Promise, close the poverty-related attainment gap, and reduce child poverty, are all actions taken by public services which contribute to the full realisation of children's rights. Many of the statutory duties public services already uphold contribute to the collective ambition to make Scotland the best place in the world to grow up. Making these connections across policy areas is important, as all efforts to improve outcomes for children, young people and their families feed into and contribute towards achieving the National Performance Framework, which aims to uphold children's rights and improve their wellbeing. Implementation of the UNCRC Act provides the solid foundation to achieve these ambitions for children.

The following sections outline some of the key policy areas that public authorities are already working across, to show how they link to the UNCRC and support implementation of the UNCRC Act.

This is by no means an exhaustive account of how children's rights are being progressed through other statutory duties or efforts to continually improve the wellbeing and outcomes of children. However, this section shows the extent which many of these policy areas already contribute towards realising children's rights as part of a coherent approach to children's rights and wellbeing in Scotland.

### 5.1 Public Sector Equality Duty

The Public Sector Equality Duty is a duty on public bodies, and those carrying out public functions, which was created by section 149 of the Equality Act 2010 and came into force in April 2011. It was developed to consolidate specific duties on race, gender and disability that were all previously contained in separate Acts, and extended duties to cover other relevant protected characteristics.

The PSED requires equality to be considered in all<sup>19</sup> functions of public authorities, including: decision-making, design of internal and external policies and delivery of services; and for these issues to be kept under review.

Section 149 of the Equality Act 2010, 'the general duty', requires public authorities, to:

- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;

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<sup>19</sup> There are some exceptions relating to certain functions, such as immigration and judicial functions.



- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

Although the subject matter of the Act is largely reserved to the UK Parliament, Scottish Ministers have powers (under section 153 of the Act) to supplement the PSED by placing specific duties on certain Scottish public authorities. Scottish Ministers used these powers to make the Scottish Specific Duties (SSDs) in 2012.

The SSDs are intended to provide a supporting framework to enable certain public authorities to better perform their PSED, through enhanced data collection and evaluation, and greater transparency and accountability.

The PSED is linked to the UNCRC regarding the emphasis it places on reducing inequalities, specifically UNCRC Article 2:

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 their 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 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.

### 5.1.1 Fairer Scotland Duty

The public sector duty regarding socio-economic inequalities is set out in section 1 of the Equality Act 2010. In Scotland, it is known as the Fairer Scotland Duty (the Duty) and came into force in 2018. The new powers that Scottish Ministers gained by the Scotland Act 2016 allowed them to commence and implement the Duty in Scotland.

The Duty places a legal responsibility on named public bodies in Scotland to actively consider how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. When deciding how to fulfil the Duty, public bodies covered by the Duty must take into account the [statutory guidance for public bodies](#) issued by Scottish Ministers.

This Duty has clear links with the UNCRC in relation to the emphasis it places on reducing inequalities caused by socio-economic disadvantage. Such inequalities could include inequalities for children, and therefore, the Duty relates to aspects of the following Articles:

Article 4:

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 26:

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:

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.
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.

By requiring those public bodies covered by the Duty to consider the impact that their strategic decisions have on the inequalities of outcomes caused by socio-economic disadvantage for both adults and children, outcomes in areas such as educational attainment, employment prospects and health can be improved.

While there are links between the Duty and the UNCRC, it is also important to highlight that there are some differences between the Duty and the UNCRC Act, which will incorporate the UNCRC into Scots law, as far as possible within legislative competence. The Duty places a legal requirement on certain named bodies in Scotland, while the UNCRC Act makes it a legal obligation for all public authorities to act compatibly with the UNCRC requirements.

## 5.2 National Performance Framework

Our [National Performance Framework](#) (NPF) articulates a shared vision for Scotland, based on a core set of values, which include:

- treating all our people with kindness, dignity and compassion
- respecting the rule of law
- acting in an open and transparent way

These values are linked to the National Outcomes that describe the kind of Scotland we would like to create, are aligned with the UN Sustainable Development Goals and help to track progress in reducing inequality. The National Outcomes are:

- We grow up loved, safe and respected so that we realise our full potential
- We respect, protect and fulfil human rights and live free from discrimination
- We live in communities that are inclusive, empowered, resilient and safe
- We are healthy and active
- We are well educated, skilled and able to contribute to society
- We tackle poverty by sharing opportunities, wealth and power more equally

- We have a globally competitive, entrepreneurial, inclusive and sustainable economy
- We are open, connected and make a positive contribution internationally
- We have thriving and innovative businesses, with quality jobs and fair work for everyone
- We value, enjoy, protect and enhance our environment
- We are creative and our vibrant and diverse cultures are expressed and enjoyed widely

The first outcome is most relevant to children's outcomes. Progress towards the National Outcomes is [measured through the 81 National Indicators](#). The seven indicators which focus specifically on outcomes for children and young people are:

- [Child social and physical development](#)
- [Child wellbeing and happiness](#)
- [Children's voices](#)
- [Healthy start](#)
- [Quality of children's services](#)
- [Children have positive relationships](#)
- [Child material deprivation](#)

The NPF, through its vision, values and National Outcomes, sets out how public services should be delivered, towards the shared outcomes for the whole of Scotland. Contributing to the National Outcomes aligns with progress towards children's rights being upheld. Reporting on National Indicators offers insights into where there is improvement.

The Scottish Government are undertaking a review of the National Outcomes. This is a requirement within every five years, under the Community Empowerment (Scotland) Act 2015.

### 5.3 Children, Young People and Families Outcomes Framework

A Children, Young People and Families (CYPF) Outcomes Framework has been developed to complement the National Performance Framework and provide a holistic picture and understanding of the wellbeing of children, young people, and families in Scotland at a population level. The framework's approach builds on the UNCRC and GIRFEC and will help to highlight positive impacts of policy and service delivery, as well as identify where improvement activity is required to drive progress. The CYPF Outcomes Framework has been substantially informed by what existing engagement with children, young people, and families has told us matters most to them about wellbeing.

The framework includes a set of overarching Wellbeing Outcomes (assessing how Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included (SHANARRI) children are) and Shared Aims (based on the My World Triangle<sup>20</sup>) as well as a set of 21 Core Wellbeing Indicators. The latter are connected with relevant UNCRC articles, and provide a high level, holistic overview of wellbeing. Their use will support greater consistency of data within and across local and national reporting requirements, including Children's Services Plans. The Core Wellbeing Indicator Set is intended to be supplemented by deep-dive data, other local information, and the views of children, young people, and families.

<sup>20</sup> The My World Triangle is the main tool used to gather information about the child or young person's whole world. It allows workers to measure strengths and challenges in all parts of a child or young person's life.

The Core Wellbeing Indicator Set has been established as an initial step as part of Scotland's longer-term data improvement journey to embed a holistic approach to data on wellbeing of children, young people and families. The Children, Young People, and Families [Outcomes Framework](#) went live in 2022, with eight wellbeing outcomes, shared aims, and core wellbeing indicators agreed and available for use by partners from April 2022. A [national report](#) presenting top line findings and socio-demographic analysis of the 21 Core Wellbeing Indicators was published in September 2023. Alongside continued stakeholder collaboration to support implementation and use of the CYPF Outcomes Framework at national and local level, longer term development, including further engagement and co-design with children, young people, and families, is planned.

## 5.4 Children's Services Planning

Children's Services Planning (CSP), as outlined in Part 3 of the Children and Young People (Scotland) Act 2014, forms a central part of delivering GIRFEC across Scotland with an aim of improving outcomes for all children, young people and families. It does this by ensuring that local planning and delivery of services and support is integrated, safeguards, supports and promotes wellbeing of children and young people, has an emphasis on prevention and early intervention, and constitutes the best use of available resources.

Updated [Children's Services Planning Statutory Guidance](#) was published in January 2020 on exercising of functions conferred by Part 3 of the 2014 Act. Each local authority and its relevant health board are required to produce a Children's Services Plan every three years, in collaboration with '[other service providers](#)', local partners in the public sector, third sector, funded providers, and importantly, children, young people and families. Each Children's Services Planning Partnership must report annually on progress and make sure plans reflect a strategic approach which describes how children's rights are being used to inform the structural, procedural and outcome framework of its plan.

Each Children's Services Plan (CSP) should:

- Describe local provision over the period of the plan of both 'children's services' and 'related services' (adult and community-based supports) with an impact on the wellbeing of children, young people and families
- Consider data to understand and respond to the needs of all children and families living in that area, as well as groups with specific needs, such as: children in need of care or protection, disabled children, young people leaving care, children in conflict with the law, younger children, young people moving from children's to adult services (transitions), child poverty, young carers, or refugees and asylum seekers
- Show how the CSPP is adopting a whole system approach to wellbeing (SHANARRI) which spans prevention and community-based supports, universal services of health and education, and services which provide early intervention as well as targeted or specialist support
- Say how services and support are being delivered in such a way so they are experienced as joined-up from the point of view of children, young people and families, and show how the CSPP is creating and maintaining effective GIRFEC practice for individual children and families
- Convey a shared sense of ongoing engagement and ownership with children, young people, families, the wider community and workforce, evidencing the Partnership makes full use of stakeholder's ideas

Children's Services Planning Partners (CSPP) have responsibility for the delivery of services for children, and the adults in their lives, within their local communities. As individual organisations and as a collective, CSPPs support wellbeing and the realisation of children's rights. The local Children's Services Plan and local CSP arrangements are thus key mechanisms through which public authorities are planning and delivering local services and support in a way which results in children and young people experiencing their rights.

The review<sup>21</sup> of Children's Services Plans (2020-2023) and strategic engagement activity, published in July 2022, highlighted the mutually enforcing nature of children's rights and the CSP. The analysis showed that all CSPs included aims to promote children's rights, and the vast majority of Plans were well aligned to the UNCRC. Over one third of CSPPs have included children's rights as a strategic priority. The review of Children's Services Plans has highlighted a range of innovative practice by CSPPs across Scotland and a commitment within CSPs which demonstrates how partners are contributing to the realisation of children's rights in a number of ways.

## 5.5 Child Poverty (Scotland) Act 2017

The [Child Poverty \(Scotland\) Act 2017](#) ("the 2017 Act") sets in statute ambitious targets to significantly reduce levels of child poverty by 2030, with interim targets to be met by 2023. Setting targets to reduce child poverty is in line with the UNCRC Article 4 that requires states to undertake measures to the maximum extent of their available resources in regard to implementing economic, cultural and social rights. The 2017 Act also supports the realisation of UNCRC Article 27, which makes clear that every child has the right to a standard of living that is good enough to meet their physical and social needs.

As poverty can also negatively affect the health, wellbeing and educational attainment of the children who experience it, there is also alignment with Article 24, the right to health and health services and Article 28, the right to primary and secondary education. Achieving the targets set by the 2017 Act is imperative to improving the lives and outcomes of Scotland's children and young people, their families and wider communities.

The following sections of the 2017 Act are relevant to UNCRC Implementation and monitoring of children's rights:

**Section 9:** Requires Scottish Ministers to prepare and publish delivery plans in 2018, 2022 and 2026. The plans must set out the measures that Scottish Ministers propose to take during the period of the plan for the purpose of meeting the child poverty targets.

**Section 10:** Requires Scottish Ministers to report annually on action taken and detail how these actions contributed to reducing child poverty.

**Section 13:** Places a duty on local authorities and relevant Health Boards to jointly prepare and publish annual Local Child Poverty Action Reports (LCPARs) outlining the action they have taken to tackle child poverty, and the action that they intend to take in future.

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<sup>21</sup> [Improving outcomes for children, young people and families: review of Children's Services Plans and strategic engagement activity](#)

### 5.5.1 Best Start, Bright Futures – Tackling Child Poverty Delivery Plan (2022-2026)

Tackling poverty and protecting people from harm is one of three critical and interdependent missions for the Scottish Government, alongside our focus on the economy and strengthening public services. We remain committed, within the scope of our powers and limited financial resources, to deliver progress against the targets set in statute through the 2017 Act.

In March 2022 we published [Best Start, Bright Futures](#), our second Tackling Child Poverty Delivery Plan (the Plan) for the period 2022-2026. The Plan builds on the progress of the first Delivery Plan, '[Every Child, Every Chance](#)' 2018-2022, and seeks to protect children's rights and to have a positive impact on children's wellbeing. In tackling the three key drivers of child poverty – increasing income from employment, reducing household costs and maximising income from Social Security and benefits in kind – the Plan acts in the best interests of children, aiming to move them out of poverty, with a particular focus on six priority family types identified as being at highest risk of child poverty.<sup>22</sup>

[Best Start, Bright Futures](#) is a plan for all of Scotland and sets out how the Scottish Government will work in partnership across all sectors – including the public, private and third sectors – to deliver the transformational change needed to tackle and reduce child poverty in Scotland. It sets out measures to provide immediate financial support to families impacted by poverty, and measures that will help to improve outcomes in the medium to longer term, to drive progress toward the ambitious targets.

The Plan brings together a range of policies offering cross-cutting, positive effects on children and families' wellbeing. The Plan enables parents' employment by increasing access to training and skills and working in partnership with employers to support fair work, as well as strengthening the essential services of childcare and transport. It also aims to maximise families' income from benefits, including through continued investment in the Scottish Child Payment, which was increased to £25 per child per week and expanded to reach all eligible children under the age of 16, as of November 2022. Additionally, it aims to enhance advice services to ensure families access the benefits available to them.

The Plan focuses on whole family wellbeing, including access to affordable, warm homes. The Plan aims to give children the best start to life which includes post-natal care and realising the benefits of the expansion of Early Learning and Childcare. The Plan also acts towards equality in education through the efforts of the Scottish Attainment Challenge and puts forward policies which support children's opportunities for learning and growth.

The Plan is aligned with the commitment to 'Keeping The Promise' (see section 5.6.2), recognising that reducing poverty levels can influence the rates of children and young people coming in to care. Furthermore, the Plan considers care experienced children and young people through The Promise Partnership Fund and Care Experience Grant, as well as supported access to mentoring and Family Nurse guidance for young mothers.

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<sup>22</sup> Priority family types identified in Best Start, Bright Futures: lone parent families, minority ethnic families, families with a disabled adult or child, families with a younger mother (under 25), families with a child under one, and larger families (three or more children)

## 5.6 Examples of specific relevant policy areas

Scotland has a clear ambition to be the best place for children and young people to grow up. We want every child to grow up loved, safe and respected so they realise their full potential. This means creating an equal society which treats children and families with dignity and kindness. Upholding rights is the foundation for improving wellbeing – this creates the conditions in which wellbeing will flourish. Children's rights lie at the heart of this vision.

The [United Nations Convention on the Rights of the Child \(UNCRC\)](#) is the base standard for children's rights and sets out the fundamental human rights of all children. Parents and families, communities, local and national governments, and organisations which work with children and families, all play an important part in helping children understand and experience their rights. Public authorities, including the Scottish Government also play a critical role in upholding and realising children's rights; including rights relating to health and education, leisure and play, fair and equal treatment, protection from exploitation and the right to be heard.

The Scottish Government already uses the UNCRC as a framework to ensure children's rights are considered in decisions, and to help provide every child with a good start in life and a safe, healthy and happy childhood. It forms the basis of the national approach for supporting children, [Getting it right for every child \(GIRFEC\)](#). Fulfilling children's rights is also critical to keeping The Promise.

### 5.6.1 Getting it right for every child (GIRFEC)

[Getting it right for every child \(GIRFEC\)](#) is the Scottish Government's commitment to provide all children, young people and their families with the right support at the right time, so that every child and young person in Scotland can reach their full potential.

Implementation of GIRFEC is just one example of how our approach to supporting children and young people can be grounded in respect for their rights. GIRFEC is underpinned by key [values and principles](#) which were developed with stakeholders including children and young people across Scotland. GIRFEC has been used and tested across Scotland since 2006. It includes all children and young people because it is impossible to predict when or if they might need help. Along with children's rights, GIRFEC is central to all government policies which support children, young people and their families and is delivered through services and people who work with families.

Following consultation with stakeholders, the Scottish Government published updated [GIRFEC materials](#) in September 2022. GIRFEC puts the rights of all children and young people at the heart of good practice and sees children's rights and wellbeing as intrinsically linked and mutually reinforcing. When a child's rights are respected, protected and fulfilled, their wellbeing should improve; equally, restricting access to their rights may have a negative effect on their wellbeing. Where a child or young person's wellbeing is flourishing and their rights are respected, they are more able to enjoy and defend these rights, as well as those of others.

The GIRFEC values and principles as well as the [wellbeing indicators](#) support the four articles in the UNCRC known as the "General Principles". The general principles play a fundamental role in realising all the rights in the UNCRC for all children under 18.

**Article 2, non-discrimination**, is supported by the GIRFEC values and principles "valuing difference and ensuring everyone is treated fairly" and "considering and addressing inequalities".

**Article 3, best interest of the child**, is supported by the GIRFEC values and principles “providing support for children, young people and families when they need it, until things get better, to help them to reach their full potential” and “everyone working together in local areas and across Scotland to improve outcomes for children, young people and their families”.

**Article 6, right to life, survival and development**, is supported by GIRFEC wellbeing indicators (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included); all of which are required for a child to develop to their full potential and to fulfil their rights.

**Article 12, right to express views and be heard**, is aligned with the GIRFEC values and principles “placing the child or young person and their family at the heart, and promoting choice, with full participation in decisions that affect them” and “working together with families to enable a rights respecting, strengths-based, inclusive approach”.

Through its values and principles, wellbeing indicators and core components, GIRFEC as a [national practice model](#) demonstrates its strong rights-based foundation.

## 5.6.2 The Promise

In 2016, the First Minister instructed a full independent review of the Care System in Scotland. Running from 2017 to 2020 the review listened to over 5,500 voices. Over half of these were children and young people who had experience of the care system. The conclusion of this work was The Promise – a clear statement of what needs to change to support the lives and wellbeing of our children, young people, adults and families across Scotland.

In signing up to all of the conclusions set out through the Independent Care Review, the Scottish Government places keeping The Promise as a central commitment that is fundamental to our ambition that Scotland will be the best place to grow up.

Upholding children's rights is integral to improving the lives of children and young people. The UNCRC recognises that when children are removed from the care of their parents for however long, they are entitled to special care and protection. The Promise is clear that whilst the family must be viewed collectively and not as isolated individuals, support services must be underpinned by the rights of the children they are working with. That means ensuring that all the rights of children are upheld in all decisions and support for the family. It will mean that children's rights are the lens through which every decision and support service is viewed.

The Promise was based on the premise that the UNCRC will be directly incorporated into Scots law, to the maximum extent possible, and would provide a framework around which all systems and services must operate. The Promise is clear that Scotland's approach to care must be grounded on active and sustained application of those rights. Rights must not be driven by process but must flourish within a culture of care and rights-respecting, human-centred frameworks that enable nurturing, loving relationships.

In March 2022, the Scottish Government published the [Keeping the Promise Implementation Plan](#) that sets out all the actions and commitments it will take to improve the lives of the care experienced community. The Scottish Government does not deliver The Promise on its own; many partners are key to ensuring it can Keep The Promise, including Local Authorities, the third sector, health boards, and stakeholders who represent care experienced people. Children, families, and people with lived experience are also playing a crucial role in shaping this work.



## Annex A.

### Case studies: taking a children's human rights approach

#### Introduction

The aim of this section is to provide some practical examples of initiatives that have taken a children's human rights approach to specific rights issues or policy areas with the aim of giving better and further effect to these rights. The aim of these case studies is to provide ideas and encourage consideration of children's human rights across all functions of public services, including those not traditionally deemed to be frontline children's services.

In several of these case studies, it was clear that policy-makers and practitioners did not know enough about children's views on the issues, but that children's perspectives were vital to understand how their rights and wellbeing could best be supported and realised. These case studies illustrate diverse ways that practitioners tried to gain this insight and gather evidence in a transparent and accountable manner. These and other case studies interspersed throughout the chapters, illustrate the interconnectedness of rights and the need to take this interdependence into account when addressing complex issues. Some case studies focus only on one specific right and show the innovative way in which practitioners have tried to realise this right with children and their parents or carers, in some instances.

The case studies are intended to stimulate ideas on how specific rights can be strengthened and how complex issues affecting the wellbeing and rights fulfilment of particular groups of children can be addressed.

#### A.1 First-tier Tribunal for Scotland Health and Education Chamber (Additional Support Needs)

##### Background

The Additional Support Needs Tribunal is responsible for hearing a range of appeals. These include appeals brought by children aged 12-15 years related to decisions of an education authority on their assessment of a child's capacity or wellbeing, or in relation to co-ordinated support plans (the only statutory education plan in Scotland).

Other appeals (called 'references') include school placing requests and transitions. These can be brought by young people, carers or parents. Claims can also be made for disability discrimination in school education. Claims can be brought by children, carers or parents.

##### Right to be heard in judicial proceedings

Article 12 of the UNCRC states that:

1. Every child who is capable of forming their own views has the right to express those views freely in all matters affecting them, their views being given due weight in accordance with their age and maturity.
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.

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) makes clear that the provision of age-appropriate assistance to disabled children (Article 7) must be provided and that State Parties shall take appropriate measures to provide “access by persons with disabilities to the support they may require in exercising their legal capacity” (Article 12.3).

### Action taken

The First-tier Tribunal for Scotland Health and Education Chamber (‘the Chamber’) recognises its responsibility for ensuring these rights are upheld and is committed to ensuring it operates in a way which gives effect to these. The Chamber President and colleagues demonstrated their commitment to taking a children's human rights approach by deciding to co-produce plans for the process and physical environment where the tribunal hearing takes place together with children and young people. This was done through meetings and workshops with children and young people who had experience of hearings to learn what makes it easier to be involved in the process and how barriers to participation can be removed. Children and young people expressed views that showed how disempowered and marginalised they felt during the process, not only as a child, but also for some, because of adverse experiences from their childhood (ACEs)<sup>23</sup> or because they were disabled. The picture<sup>24</sup> above, drawn by an 11 year old child, depicts what this often feels like for children.



Taking into account children and young people's views resulted in a number of key sensory initiatives which included avoiding bold primary colours for the neuro-diverse child, to only have furniture that is needed in the room, keeping out external noise, introducing round tables, and using a wide range of communication tools, including talking mats and social stories. Children and young people are also able to decide who sits where in the room, if they want to bring their pets, how they would like to personalise the room, and when to have snacks and water. A sensory room (shown in the adjacent picture) was added which can be used by children who feel they need to take time out during the hearing.

Changing the process and the physical environment was based on the principle of “wrapping the system around the child” and not the child around the system. The Chamber President encourages judiciary and staff to explore every avenue available

to ensure that communication with each child is not only possible, but is empowering and effective, including with non-verbal children. This could mean bringing communication experts in to support as intermediaries to assist the child and Tribunal members in communicating.

<sup>23</sup> Adverse Childhood Experiences (ACEs) are “highly stressful, and potentially traumatic, events or situations that occur during childhood and/or adolescence. It can be a single event, or prolonged threats to, and breaches of, the young person's safety, security, trust or bodily integrity. These experiences directly affect the young person and their environment, and require significant social, emotional, neurobiological, psychological or behavioural adaptation” (Young Minds, [Addressing trauma and adversity | Resources | YoungMinds](#)).

<sup>24</sup> Additional Support Needs Tribunals for Scotland, 11th Annual Report, 2015/2016 [Microsoft Word - \[FINAL\] ANNUAL REPORT 15-16 \(healthandeducationchamber.scot\)](#)

Alongside these innovations, guidance and training materials have been produced for Tribunal members, which provide comprehensive guidance on the tribunal process, including how to approach the capacity and wellbeing assessments for children, preparing questions, obtaining views and evidence, the rights of child parties and preparing a letter to the child explaining the tribunal decision<sup>25</sup>.

Listening and learning from children and young people has been at the core of these developments. Inclusion ambassadors have also given great insight and their views are directly incorporated in guidance.

## Reflection

The prevailing ethos of the Chamber is that members continue to learn from children and young people and set aside preconceived adult notions of what works best. In the words of May Dunsmuir, Chamber President:

“Children and young people are experts in their own right. They know what works best and what doesn't. If access to justice is to be authentic and credible, it must be centred on their experiences, listening and learning directly from them.”

## A.2 The Right to non-discrimination: LGBT inclusivity in education

### Background

Learners who are lesbian, gay, bisexual or transgender (LGBT), perceived or thought by others to be LGBT and who have family members who are LGBT, may experience stigmatisation, discrimination and prejudice-related bullying in Scottish schools.

A report conducted on Scottish schools found that although prejudice related to being LGBT has been identified as problematic in schools for many years, the approach taken has often been a reactive one where many teachers and schools respond to individual incidents but do not address the underlying issues in a systematic way<sup>26</sup>. This has resulted in a situation where many LGBT pupils experience hostility and abuse on a daily basis with 90% of LGBT respondents reporting experiencing homophobia, biphobia and transphobia while at school<sup>27</sup>.

Teachers report a lack of confidence in how to address issues of discrimination as well as how to include LGBT related discrimination and prejudice in their teaching and expressed a need for knowledge and support. This perception is supported by the findings in the same report that only 5% of LGBT respondents believe that their teachers were adequately equipped to discuss LGBT issues in the classroom, and 72% reporting that bullying was not challenged by teachers in their school.

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25 [Guidance to Tribunal Members | First-tier Tribunal for Scotland \(Health and Education Chamber\)](#)

26 Time for Inclusive Education (TIE) (2016). Attitudes Towards LGBT in Scottish Education

27 Time for Inclusive Education (TIE) (2016). Attitudes Towards LGBT in Scottish Education

## Specific rights

A number of different rights are relevant to this issue of which the rights to non-discrimination (Article 2), freedom of expression (Articles 12 and 13) and identity (Article 8) are central.

Other relevant UNCRC articles are:<sup>28</sup>

- Article 16 confirms every child's right to privacy, including protection against reputational attacks.
- Article 29 stipulates that education should prepare children and young people for life in a free society in the spirit of peace and tolerance amongst people from all groups.

## Action taken

To counter this discrimination, LGBT inclusive education has been implemented in schools in Scotland from September 2021 onwards. An initiative to provide training materials to teachers, student teachers and learners was launched by [Time for Inclusive Education \(TIE\)](#) and funded by Scottish Government. This proactive educational approach seeks to address the systemic discrimination underlying LGBT experiences in schools through providing knowledge about inclusive language and environments, LGBT history, icons and role models, challenging gender stereotypes and discrimination, and facilitating pupil voice in schools.

A [web platform](#) was created to host LGBT resources and toolkits with a three-stage certification process in place for teachers, staff and practitioners. This includes multi-media lesson plans linked to benchmarks across curriculum areas. Professional training sessions for student teachers were also developed and delivered as well as workshops with learners in schools.

A recent evaluation reports that in the time period between September 2021 and June 2022, 541 primary and secondary schools (22% of all schools) in Scotland had registered on the platform and were engaging with the resources available. Over 2,000 teachers, staff and practitioners had completed Stage 1 of the e-learning module and over 1,000 had completed Stage 2. Approximately 2,300 student teachers had received professional training input and approximately 250 learning sessions were delivered in schools.

All groups reported that knowledge and understanding and action planning increased through participation in the sessions. There was a significant increase in confidence for teachers and learners alike in addressing discriminatory attitudes and behaviors where they came across it:

“The content has provided me with more confidence in talking to peers about LGBT education by reinforcing the message that it is our job as educators to ensure that all pupils are treated fairly”. Secondary school teacher, Lanarkshire Council

“[I learnt to] stand up for people when they throw that language about and not use it myself” (Secondary school learner, Shetland Island Council).

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28 Unicef UK. *An Inset resource: Framing Inclusion Through Rights*. [online] Available at: <https://www.unicef.org.uk/rights-respecting-schools/resources/teaching-resources/guidance-assemblies-lessons/framing-inclusion-through-rights/>

## Reflection

To uphold children's rights, systemic discrimination underlying LGBT experiences needs to be addressed so that children everywhere can live without experiencing prejudice, bullying and hostility. When we educate, engage and empower both children and those working and caring for them, positive change can happen.

## A.3 Engaging with children and young people to improve the GIRFEC refreshed guidance

### Background:

In September 2022, revised [GIRFEC policy and practice guidance materials](#) were published to provide practitioners with confidence, clarity and practical support to continue to embed GIRFEC when planning support for children and young people. The GIRFEC policy team worked with partners across all sectors, including children and young people, to produce guidance which reflects Scottish Government's commitment to fully incorporating the [United Nations Convention on the Rights of the Child \(UNCRC\)](#) to the maximum extent of the Scottish Parliament's powers.

### Approach taken

The GIRFEC team applied a children's human rights approach in which the views of children and young people were sought and listened to. They employed a compassionate and caring decision-making culture, focused on children and young people and those they trust. Children and young people were meaningfully and appropriately involved in the refresh process.

GIRFEC, as a strengths-based approach, seeks to realise children's rights on a day-to-day basis and is underpinned by key values and principles which influenced the policy team's decision to involve children and young people. Some of these that directly relate to the right to participate are:

- Placing the child or young person and their family at the heart, and promoting choice, with full participation in decisions that affect them
- Working together with families to enable a rights respecting, strengths based, inclusive approach
- Valuing difference and ensuring everyone is treated fairly
- Considering and addressing inequalities

The approach taken used organisations that already had trusting relationships and expertise in working with children and young people. The GIRFEC policy team ensured that resources were available to support the eight organisations carrying out this work. This resulted in creative and innovative approaches and led to a more enjoyable and meaningful participation experience for the children and young people.

The range of organisations which were supported in the engagement work ensured children whose rights are at risk were involved. This included care-experienced children and young people, young carers, disabled children and young people, refugees and asylum seekers and young people with experience of the criminal justice system, amongst others. The work also involved children and young people from a range of urban and rural areas.

In recognition of how valuable their input had been, the Minister for Children and Young People sent a letter to each of the children and young people involved thanking them for their contributions, and informing them that their views had influenced national guidance which will help to improve children's wellbeing and outcomes.

## Reflection

If the right to participation and expressing opinions (Articles 12) is taken seriously, it means engaging with children and young people on all aspects of work, including policy development, where adults will benefit from the value and insight children and young people bring. In addition, actively engaging children and young people from different regions and representative groups gave a diverse range of perspectives. The GIRFEC team noted that the children and young people were able to offer valuable insights into how the guidance could be improved, and made more accessible and inclusive. For example, the children and young people were able to feed back that some of the language used did not make sense to them:

The language used is not the way people speak normally so should not be used on written statements... For example, who uses the statement “intersecting form of inequality?” (Young person participating in engagement event).

This approach had a positive impact on GIRFEC policy development as the policy team were able to use the feedback from children and young people to improve the guidance.

## A.4 Accessible play for disabled children

### Background

The Scottish Government committed £60m funding for local authorities to renew play parks for all children to be able to access quality play opportunities in their local communities.

There is strong evidence that playing outside can benefit children and young people's health and wellbeing. All children need to be able to engage in age appropriate play and recreational activities. It is important that all children across Scotland can access high quality play opportunities in a range of settings that will aid their growth, development and wellbeing. Families with disabled children often say that they are not able to take full advantage of what Scotland has to offer because they worry about how accessible places are for disabled people<sup>29</sup>

### Specific rights

A number of child rights are relevant in this situation:

- Non-discrimination is a fundamental principle of human rights law and is articulated in Article 2 of the UNCRC
- Accessible and inclusive environments and facilities must be made available to disabled children to enable them to enjoy their rights under Article 31.
- Article 23 of the UNCRC provides that a disabled child “should enjoy a full and decent life, which ensures dignity, promotes self-reliance and facilitates the child's active participation in the community”.

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<sup>29</sup> *Inclusive Places* [Supporting disabled children, young people and their families: guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultations/consultations/2016/06/20160606_inclusive_places_supporting_disabled_children_young_people_and_their_families_guidance.pdf)

## Approach taken

The Disabled Children and Young People Advisory Group (DCYPAG) and organisations from the play sector helped to shape a set of national principles in 2021, so that local authorities design play parks that offer improved play opportunities for all children and families.

**Principle 1:** Children, young people, and families are best placed to inform what quality play looks like to them, and should therefore be involved throughout the process, from the review of parks through to helping design the renewal of individual play parks. This is in line with Article 12 of the UNCRC which sets out that every child who is capable of forming their own views has the right to express those views freely. The views of children, young people and families provide valuable insight into how they interact with parks and facilities.

**Principle 2:** All children have the right to play under the UNCRC Article 31. Access to play should be as wide-reaching and inclusive as possible, ensuring that children, young people, and families have easy local access to play spaces where they feel safe and comfortable to use them. Inclusiveness looks different for everyone, so meaningful engagement with the children who will be using your play parks is fundamental.

**Principle 3:** Play parks and spaces should seek to bring together local communities, children and young people of all ages and abilities, creating a greater sense of place and cohesion. The design and renewal of play parks should be done in a way that best meets the social and environmental needs of communities and its children and young people.

**Principle 4:** The [renewal programme](#) will be strengthened by sharing and learning from best practice and take a strategic and evidence-based approach to the design and renewal of their local play parks.

As a result of this programme of work, all local authorities in Scotland are expected to keep a comprehensive inventory of all play parks in their estate, the age and condition of each park and its equipment, and how they fit with the needs of local communities.

Local authorities should engage with children and families local to each park, listening to those that use the park and what they like about it, and those who do not use it and their reasons why.

It is important for local authorities to seek guidance from experts who can offer support and training. For the play park renewal programme, Scottish Government developed a network of local authority lead officers. This was created to facilitate discussion of progress, exchange of ideas and learning, and sharing of good practice. 'Inclusion' was a theme for one of these meetings with experts and guest speakers from PAMIS (Promoting a more Inclusive Society), Sense Scotland and Play Scotland in attendance to highlight what local authorities should be considering when consulting with, and designing play parks for, disabled children and young people.

Inclusive parks should include features other than equipment that will support families to visit and enjoy the parks, for example, extra seating, suitable surfaces, toilet facilities, planting, improved access points and circulation routes, and water fountains may all help to make parks more inclusive, welcoming and enjoyable.

[A guide to creating accessible and inclusive public play spaces](#) was developed in 2018 and was informed by the [Scotland's Play Strategy](#) (2015) research undertaken by Scotland's Play Strategy Implementation Group and surveys undertaken in 2017 with families, carers and with groups who had recently developed a play space.

At the time of producing [the Free to Play guide](#), Dumfries and Galloway Council had made an investment in play parks in Dumfries, Stranraer and Annan. The objective was to improve inclusive provision and to maximise opportunities by working with the local community and voluntary groups in the three locations. The lead group for the development of Catherine Street Play Park in Dumfries was the Parents Inclusion Network (PIN) which supports parents in the region who have a disabled child of any age. The PIN working group generously shared their experiences of places to play and allowed examples from their group's play space project to be included in the guide.<sup>30</sup> The guide has been greatly enhanced by the opportunity to engage with the groups and council officers involved in the process. This helped clarify the kind of information and advice that community groups might need but which can be hard to find.

## Reflection

Accessible and inclusive play spaces are important to ensure that all children and young people, including those with additional support needs, can exercise their right to play. Accessible and inclusive play spaces ensure children and young people have a safe place to play and should be recognised as important community assets, promoting health, well-being and a sense of community.

## A.5 Supporting young Gypsy/Traveller communities to access more inclusive education

### Background

Evidence from the [Improving educational outcomes for children and young people from travelling cultures report](#) shows that as a group, Gypsy/Traveller children and young people's educational outcomes in terms of attainment and positive destinations are among the lowest in Scottish education. Gypsy/Traveller school leavers are less likely to end up in a positive destination, with a significant number leaving with no qualifications compared to their peers.

The Gypsy/Traveller community often state that they feel excluded, and that the education provided is geared only towards the personality and abilities of non-Gypsy/Travellers and is not relevant to their nomadic lives and culture. They face barriers to participation, usually resulting from discrimination and a lack of inclusion.

Issues include poor attendance, learning interruption, family caring responsibilities and absence of a supportive learning environment in the home, for example due to low levels of parental literacy.

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30 Casey, T. and Harbottle, H. (2018). *Free to Play A guide to creating accessible and inclusive public play spaces*. [online] Available at: [https://www.playscotland.org/resources/print/Free-to-Play-Guide-to-Accessible-and-Inclusive-Play-Spaces-Casey-Harbottle-2018.pdf?plsctl\\_id=11211](https://www.playscotland.org/resources/print/Free-to-Play-Guide-to-Accessible-and-Inclusive-Play-Spaces-Casey-Harbottle-2018.pdf?plsctl_id=11211)



## Specific rights

The most relevant child rights for this situation, apart from the right to non-discrimination and the right to education, are:

- Article 30: 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 their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.
- Article 8: States Parties undertake to respect the right of the child to preserve their identity, including name and family relations as recognized by law without unlawful interference.

## Approach taken

The Scottish Education Traveller Programme (STEP), is conducting research, commissioned and funded by the Scottish Government, into the educational experiences of Gypsy/Traveller families and their children. STEP is taking a children's human rights approach and will include Gypsy/Traveller children and families throughout the process, in both sharing their experience of education in Scotland and ensuring that the final research outcomes are reflective of their views. Parents and children will have access to information about their entitlements to education, the possible ways that education can be experienced, as well as how education can impact economically on their cultures.

There will be a specific focus on opportunities for additional support for learning (ASL) and how cultural barriers faced by many Gypsy/Traveller families can be addressed. The knowledge that is produced through the research will be used to inform policy implementation, training programmes and local and national approaches so that the experiences of Gypsy/Traveller young people are improved and opportunities to succeed are increased.

## Transition planning for secondary school at Eastbank Academy, Glasgow

Eastbank Academy has, over an extended period, been able to build positive relationships with families of the Gypsy/Traveller community. This has greatly benefited the achievement and attainment of the young people and has been a significant factor in the increase of the number of young people moving into further and higher education from this community. The intensive support the school provided in previous years for literacy to the young people and their families is now enabling those who were involved then, to engage with and support their own children's learning today.

More children and young people attend the school on a regular basis and the school has developed a variety of approaches and support.

Examples include:

- Extra support made available to the children and young people when they return from a period of travel to enable them to catch up with their course work.
- Curriculum accessibility and flexibility when family is traveling and technologies are effectively used to provide and access work and maintain a connection with the school and the teachers.

- Flexible pathways which include working collaboratively with community learning, school, the college sector and voluntary agencies.
- Young people are encouraged and supported to gain Scottish Qualifications Authority (SQA) accreditation using a flexible pathway approach.<sup>31</sup>

### **Gypsy/Traveller Education Group – South Lanarkshire Council**

The Gypsy/Traveller Education Group (GTEG) identified the need to have an alternative education provision that offers bespoke and staged intervention opportunities for Gypsy/Traveller young people and their families. The group provides support through pop-up venues as well as academic support from a community centre. Parents are involved and engaged initially in their child's learning through home visits. Help with homework is given for parents where necessary through non-judgemental, easy to understand approaches. Close working relationships with parents and families, based on understanding and trust, have been established and maintained. Parents and families are involved and engaged in their child's learning. Two-way communication has strengthened home-school partnership working. Over the academic year 2021-22, 32 young people have engaged in the project and pupils have achieved qualifications at National 3, 4 and 5 levels. A group of S1 and S2 pupils achieved the John Muir Award.

### **Reflection**

All learners have a right to learn in an equitable environment where all cultures, identities and languages are recognised and valued and where the curriculum responds to the diverse needs of individual learners, reflecting the uniqueness of their communities. The STEP programme is underpinned by a children's human rights approach to delivering on the right to an education and a positive educational experience for all Gypsy/Traveller children and young people. However, to achieve this, we must first recognise and understand the barriers to realising educational potential that some of these children and young people may face, and then address these.

## **A.6 Children's Hearings Scotland and the Trauma Informed Approach**

### **Background**

In Scotland we have a unique approach to care and justice in place to protect the safety and wellbeing of vulnerable children and young people. The Children's Hearings System deals with child protection and youth justice matters through a decision-making tribunal called a Children's Hearing. Children's Hearings Scotland (CHS) recruit, train and support volunteer Panel Members who make legal decisions with and for children and young people in children's hearings.

CHS has been using a trauma-informed approach to create a safe and supportive environment for children and young people, many of whom have already experienced significant trauma in their lives. Trauma-informed practice is defined as "A model that is grounded in and directed by a complete understanding of how trauma exposure affects service user's neurological, biological, psychological and social development<sup>32</sup>".

<sup>31</sup> National Improvement Hub. *Inclusive practice in action - working with the travelling Showmen community*, 2 March 2021 [online] Available at <https://education.gov.scot/improvement/practice-exemplars/travelling-showmen/>

<sup>32</sup> [Trauma-informed practice: toolkit - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2019/04/16/160419Trauma-informed-practice-toolkit.pdf)

## Specific rights

The child rights that are relevant to this issue are:

- Article 3: In all actions concerning children, whether carried out 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. States Parties agree to ensure the child the protection and care necessary for their wellbeing, taking into account the rights and duties of their parents, legal guardians, or other individuals legally responsible for them, and will take all appropriate legislative and administrative measures.

## Approach taken

Children's Hearings Scotland has worked closely with the National Health Service Education for Scotland (NES) to make best use of publicly available learning content on trauma for children and young people, particularly resources provided by the National Trauma Training Programme. All trainee Panel Members in the last two years (2020-21) have learned about trauma and the impact of trauma. Panel Members are trained to be trauma-informed in the way decisions and reasons are communicated to children.

To progress their overall work in the area of trauma, CHS has a trauma plan and an internal project group involving CHS staff and volunteers. This group oversees CHS' pathway to ensure all CHS staff and volunteers are trauma responsive. All of the learning provided on trauma links back to children's hearings – before, during, and after.

Initial success has been measured through completion of learning and enhancing the current learning content. The next phase is for CHS to use their quality assurance mechanism – Panel Practice Advisers (PPAs) – to ensure that learning is converted into action in children's hearings. PPAs observe Panel Members carrying out their role and provide feedback to ensure best practice in hearings.

## Reflection

Addressing trauma requires a multifaceted, multi-agency approach that includes awareness raising and education, upstream working, and effective trauma-focused assessment and treatment. To maximise impact, all of these efforts will need to be delivered in an environment that is trauma-informed.

The journey towards becoming a trauma-informed organisation (such as the Children's Hearings Scotland example) will require organisations to move beyond traditional models of service delivery and to re-evaluate all of their organisations' functions, practices and policies through a trauma-informed lens. As part of this reconceptualisation of services, organisations will need to reframe complex behaviours as potential responses to trauma related triggers and will need to prioritise building trusting, mutual relationships above all else<sup>33</sup>.

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33 [Trauma-informed practice: toolkit - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultations/web_publications/trauma-informed-practice-toolkit/)

## A.7. Adverse Childhood Experiences (ACEs) and Trauma

### Background:

Without the right support, Adverse Childhood Experiences (ACEs) and psychological trauma experienced in childhood can have wide ranging impacts on children and young people's mental health, attachment styles, and their education and learning.

This can create an unstable foundation for their future growth and development.

Preventing ACEs and childhood trauma and providing support to mitigate the negative impacts for children and young people, is rooted in children's rights. Public authorities have responsibilities to ensure that children are healthy, happy and safe and have a say in their own lives.

### Specific rights

Work on ACEs and trauma cuts across most UNCRC rights, in particular:

- Article 3 (best interests of the child)
- Article 6 (life, survival and development)
- Article 12 (respect for the views of the child)
- Article 19 (protection from violence abuse and neglect)
- Article 24 (health and health services)
- Article 29 (goals of education)
- Article 31 (leisure, play and culture)
- Article 33 (drug abuse)
- Article 34 (sexual exploitation and abuse)
- Article 35 (abduction, sale and trafficking)
- Article 36 (other forms of exploitation)
- Article 39 (recovery from trauma and reintegration)
- Article 40 (juvenile justice)

## Action/approach taken

[The National Trauma Transformation Programme](#) (NTTP) supports the Scottish Government and COSLA's shared ambition for a trauma-informed workforce and services across Scotland.

The NTTP is based on the [Knowledge and Skills Framework for Psychological Trauma](#). This Framework sets out the knowledge and skills needed by all sectors of the workforce to recognise the needs of children and adults affected by psychological trauma and adversity (including ACEs). It supports them to respond in ways which recognise individual strengths, acknowledges rights and ensure timely access to effective care, support and interventions.

Since 2018, the Scottish Government has invested over £9.6 million in the National Trauma Transformation Programme. This includes a total of £1.6 million each year since 2021/22 shared across all 32 local authorities to work with community planning partners to further progress trauma-informed services, systems and workforces.

## Reflection

Preventing and mitigating the impact of ACEs and trauma provides an increased opportunity for a child's healthy development and lifelong opportunities to thrive.

This requires a multi-agency response that includes awareness raising, education, early intervention and prevention.

## Further resources

The Scottish Government has provided information on [ACEs and Trauma](#).

The [Roadmap for Creating Trauma-Informed and Responsive Change: Guidance for Organisations, Systems and Workforces in Scotland](#) is designed to be used flexibly and independently by services and organisations across all sectors of the workforce in Scotland. It can be used to help identify and reflect on progress, strengths and opportunities for embedding a trauma-informed and responsive approach across policy and practice.

This short [animation](#) (11 minutes) is designed for everyone who works with children and young people. It aims to support people to understand the impact of trauma and to know how to adapt the way they work to make a positive difference to the lives of children and young people affected by trauma.

## A.8. Anti-Racism in Education Programme

### Background

The [Scottish Government's Anti-Racism in Education Programme](#) (AREP) was established in 2021 to bring together all of the work already underway to tackle racism in Scottish education. The inception of the programme was informed by the voices of children and young people, both through correspondence and through meetings with the then Deputy First Minister, and the Minister for Older People and Equalities.

The AREP is made up of four interrelated workstreams, each with its own working subgroup consisting of key education and anti-racism stakeholders:

- [Education leadership and professional learning](#) is focussed on ensuring that every teacher (and the wider education workforce) in Scotland is racially literate and not race evasive. This work aims to assist the education workforce to become more confident and skilled in engaging in dialogue about race, resulting in a more inclusive environment for all children and young people.
- [Diversity in the teaching profession and education workforce](#) aims to increase diversity within Scotland's education workforce to ensure it is representative of the population that it serves, recognising the importance of children and young people being able to learn from teachers who come from a range of diverse cultures and backgrounds.
- [Curriculum reform](#) is focussed on how to articulate and embed anti-racism within a diverse and culturally literate curriculum. This is a key part of promoting children's rights, social justice and a pupil-centred education.
- [Racism and racist incidents](#) is focussed on ensuring that racism in schools is properly identified and addressed. The work of this subgroup will improve the way in which school staff respond to incidents of racism in schools. This will help children and young people to have confidence to report incidents of racism when they occur and will help schools to support children and young people who experience racism.

### Specific rights

Non-discrimination is a fundamental principle of human rights law and is articulated in Article 2 of the UNCRC. Other articles relevant in this situation are:

Article 28 calls that every child has the right to an education.

Article 29 stipulates that education must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

### Action/approach taken

Inclusion, wellbeing and equality are embedded in Scotland's Curriculum for Excellence which is a 'needs led' and rights based educational system, designed to be inclusive for all children and young people.

### Engagement with children and young people

The voice of children and young people, particularly Black and Minority Ethnic (BAME) children and young people is essential to the work of the AREP. The Scottish Government commissioned Intercultural Youth Scotland to carry out a programme of engagement with children and young people in connection with the work of the AREP.

This programme of engagement began in November 2023. The workshops provide children and young people with the opportunity to discuss and reflect upon the progress to date of the AREP, as well as the specific action plans for the four thematic subgroups. The children and young people will then create a set of recommendations for each of the subgroups, with a commitment for such groups to respond in order to ensure that engagement is meaningful.

Three members of the Scottish Youth Parliament contribute to the work of the AREP as members of the Programme Board and on the Curriculum Reform subgroup. Centering the voices and experiences of young people with BAME characteristics is a key principle of the work of the AREP.

A set of Anti-Racist Curriculum Principles was developed by the Curriculum Reform working subgroup, signed off by the Cabinet Secretary for Education and Skills and published in June. This work is committed to ensuring children and young people experience a curriculum that meaningfully recognises and fairly represents the rich and diverse communities in Scotland and beyond, led by educators with high levels of racial literacy. The principles were co-designed by a Black young person and Member of Scottish Youth Parliament. The principles should be engaged with and alongside children's rights.

## Reflection

The long-term outcomes for the AREP include:

- Scotland's schools and learning environments have anti-racism embedded in their structures, leadership and curriculum.

These ambitions will further assist in fulfilling children and young people's right to a school education by ensuring that such education is directed towards developing all children and young people's personality, talents, and mental and physical abilities to their fullest potential.

## Specific rights

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## Action/approach taken

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### **Reflection**

The long-term outcomes for the AREP include:

- Scotland's schools and learning environments have anti-racism embedded in their structures, leadership and curriculum.

These ambitions will further assist in fulfilling children and young people's right to a school education by ensuring that such education is directed towards developing all children and young people's personality, talents, and mental and physical abilities to their fullest potential.



## Annex B.

### Top tips for developing easy read communication

Public authorities may consider the following tips when producing easy read communications. These are drawn from the [European Commission guidance on creating child friendly versions of written materials](#). These tips may assist in developing written communication aimed at children and young people with a reading age of 10 and above:

#### Consider your approach

- Take time to explore how children and young people in your audience prefer to receive information, particularly relating to their rights.
- Plan how the easy read report will be shared, to reach your intended audience successfully. Explore the options available to you and consider the benefit of using multiple methods, e.g., hard/soft copies, digital content and the use of social media.
- Consider providing non-text equivalents such as audio or British sign language versions to be inclusive of disabled children.
- Identify other sources of information that you can signpost readers to if relevant.
- Include a contact email address in case anyone reading the document has any questions.

#### Plan content and layout

- Identify the content you want to include. What is the essential information? Prioritise key points. Plan layout, use of headings and sub-headings.
- Think about what you want to say and how you want to say it. Break your message down into sections and put these in the order children and young people should know them.
- Ensure any hyperlinks are specific and meaningful to children.
- Consider the needs and preferences of the intended audience. Avoid creating a document that is too long. Aim for one to four pages.

#### Language

- Use simple language and be concise, however accuracy should not be compromised. Short words with one, two or three syllables are best.
- Consider whether translation services are required.
- Think about the tone you want to promote (friendly, formal, enthusiastic) and the rhythm and pace of words and sentences.
- Use active voice rather than passive voice.
- Avoid jargon, abbreviations and metaphors where possible as these can cause confusion e.g., blue sky thinking.

- Acronyms can be a barrier to people with no knowledge of the topic. Use full words not acronyms (if using acronyms remember to include a note of the words each letter represents when it is first used in the document).
- Ensure accuracy. When working with children to create the report do not use children's suggestions if this will cause the information to be misrepresented.
- Resist any form of words which may come across as patronising, or risks 'talking-down' to your audience.
- Consider adding a glossary at the end of the document to explain difficult or new words. Examples can be used to clarify meaning.

### **Style and formatting**

- Consider type of font, font size and use of space. Non-serif fonts such as Arial 14 is preferable. At least font size 14 should be used to be inclusive of disabled children. Left align text.
- Avoid using italics or capitalised words.
- Avoid long blocks of black and white text. Long blocks of text should be broken up with relevant images that add value to children's experience and understanding of the document. Ensure that images are described below for blind or visually impaired people. Avoid using pictures simply for decorative purposes.
- Sentences should be short and to the point.
- Bullet points can be an effective alternative to block text.
- Avoid italics and underlining.
- Ensure good contrast between text and background e.g., black on pale yellow.
- Reduce white space on pages as much as possible, use consistent line spacing and do not highlight text.
- Avoid complex images.

### **Inclusivity**

- Consider ways to ensure text is compatible with assistive technologies such as a screen reader e.g. using Microsoft Word templates.
- Where children and young people feature in photography/ graphics, special attention should be paid to ensuring inclusivity of diverse groups less likely to be represented.<sup>34</sup>

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<sup>34</sup> [European Commission \(2012\) - Creating child friendly versions of written materials](#)

## Annex C.

### List of links

#### 1.3 How is the guidance to be used?

- [Children and Young People \(Scotland\) Act 2014](#)
- [Getting it right for every child \(GIRFEC\)](#)
- [#KeepThePromise](#)

#### 1.4 How was the guidance developed?

- [United Nations Convention on the Rights of the Child \(UNCRC\): Embedding Children's Rights in Public Services Guidance Sub-Group](#)

#### 2.2 Children's Rights

- [What kind of Scotland? Children Influencing Scotland's Future - Children's Parliament \(2017\)](#)

#### 2.3 What is the UNCRC?

- [UN Convention on the Rights of the Child](#)

#### 2.5 What are the Optional Protocols of the UNCRC?

- [Optional Protocol on the sale of children, child prostitution and child pornography](#)
- [Optional Protocol on the involvement of children in armed conflict](#)
- [Optional Protocol on a communications procedure](#)

#### 2.6 What rights do children have under the UNCRC?

- [UNCRC Articles Archive - The Children and Young People's Commissioner Scotland](#)

#### 2.7 Progressive Realisation, Maximum Available Resources and Non Regression

- [Economic, social and cultural rights](#)

#### 2.8 Sources to aid interpretation

- [UN Human Rights Office \(ohchr.org\)](#)
- [The time is now \(Children's Parliament and the UNCRC\) - YouTube Video](#)
- [General Comment 5](#)
- [General Comment 12](#)
- [General Comment 14](#)
- [General Comment 19](#)
- [General Comment 24](#)
- [General Comments | OHCHR](#)
- [UN Treaty Body Database](#)

- [Combined sixth and seventh periodic reports submitted by the United Kingdom of Great Britain and Northern Ireland under article 44 of the Convention](#)
- [Scotland's 'to do' list - Together's Child Friendly version of the Concluding Observations \(2023\)](#)
- [Scotland's Human Rights Defenders at the UNCRC Day of General Discussion 2018](#)
- [Days of general discussion | OHCHR](#)
- [Optional Protocol to the Convention on the Rights of the Child on a communications procedure](#)

### **3.2 Children's rights in existing Scottish legislation and policy**

- [Children \(Scotland\) Act 1995](#)
- [Children \(Scotland\) Act 2020](#)
- [Children and Young People \(Scotland\) Act 2014](#)

### **3.3 UNCRC (Incorporation)(Scotland) Act**

- [United Nations Convention on the Rights of the Child](#)

### **3.5 UNCRC Implementation Programme and support for public authorities**

- [Progressing the Human Rights of Children in Scotland: An Action Plan 2021-2024 - Progressing the human rights of children in Scotland: action plan 2021 to 2024](#)
- [United Nations Convention on the Rights of the Child \(UNCRC\) Implementation: Embedding in Public Services Group](#)
- [United Nations Convention on the Rights of the Child \(UNCRC\): Embedding Children's Rights in Public Services Guidance Sub-Group](#)

#### **4.2.1 Decision making**

- [Supporting documents - Children's Rights and Wellbeing Impact Assessment guidance](#)

#### **4.2.2 Budget allocation**

- [Early intervention and prevention - Children, Young People and Families Early Intervention and Adult Learning and Empowering Communities Fund evaluation: final report](#)
- [General comment No. 19 \(2016\) on public budgeting for the realization of children's rights \(art. 4\)](#)
- [Best Value: revised statutory guidance 2020](#)
- [Children and South Africa's Budget](#)
- [Budget brief series 2022 - Budget allocation and spending on children in South Africa](#)

#### **4.3 Equality and non-discrimination**

- [The Right Way: a children's rights approach in Wales](#)
- [Purpose of the document - Principles of Inclusive Communication: An information and self-assessment tool for public authorities](#)
- [Definition of inclusive communication - Principles of Inclusive Communication: An information and self-assessment tool for public authorities](#)

- [Principles of Inclusive Communication: An information and self-assessment tool for public authorities](#)
- [The Lundy Model Explained](#)
- [A Practical Guide to Including Seldom-Heard Children and Young People in Decision-Making](#)
- [About 'Rights Right Now!'](#)
- ['Rights Right Now!' - Full report](#)
- [European Commission - Creating child-friendly versions of written materials](#)

#### 4.4 Empowering children

- [Article 42](#)
- [The Right Way: a children's rights approach in Wales](#)
- [UNCRC guide for parents, carers and families](#)
- [Article 12](#)
- [Make It Right - Children's rights campaign in North Lanarkshire](#)
- [The campaign: Make It Right | North Lanarkshire Council](#)
- [Children's rights | Parent Club](#)
- [Progressing the human rights of children in Scotland: 2018-2021 action plan](#)
- [Young Scot Corporate - Activate Your Rights resources](#)
- [Young Scot Corporate - Partners - resources](#)

#### 4.5 Participation

- [Article 12](#)
- [General Comment 12 \(Paragraph 134\)](#)
- [Co-Design Blueprint](#)
- [Young Scot Corporate - Activate Your Rights resources](#)
- [7 Golden rules for participation - The Children and Young People's Commissioner Scotland](#)
- [A Practical Guide to Including Seldom-Heard Children and Young People in Decision-Making](#)
- [Progressing the human rights of children in Scotland: 2018-2021 action plan](#)
- [Lundy Model of Child Participation](#)
- [Participation Framework](#)
- [Mid-Term Review and Phase Two Action Plan of the National Strategy on Children and Young People's Participation in Decision-Making, 2015-2020](#)
- [Hart's Ladder of Participation](#)
- [Treseder's Degrees of Participation](#)
- [Shier's Pathway to Participation](#)
- [Voice of the Infant: best practice guidelines](#)

- [How to be a good adult - CV/Job description](#)
- [Participation Framework - Spectrum of Participation: Inform](#)
- [Participation Framework - Spectrum of Participation: Consult](#)
- [Participation Framework - Spectrum of Participation: Involve](#)
- [Participation Framework - Spectrum of Participation: Collaborate](#)
- [Participation Framework - Spectrum of Participation: Delegate](#)
- [Summary of the panel discussion on the adverse impact of climate change on States' efforts to realize the rights of the child and related policies, lessons learned and good practices](#)
- [Climate Changemakers! Impact Report by Childrens Parliament \(2022\)](#)
- [The Right Way: a children's rights approach in Wales](#)

#### 4.6.1 Child friendly complaints

- [Child Friendly Complaints pilot process](#)
- [In defence of tokenism? Children's right to participate in collective decision-making](#)

#### 4.6.2 Advocacy and the UNCRC

- [Acknowledgements - Advocacy in the children's hearings system - national practice model: guidance](#)
- [Children's advocacy guidance](#)
- [Scottish Independent Advocacy Alliance](#)
- [What is independent advocacy? - Scottish Independent Advocacy Alliance](#)
- [Independent Advocacy Principles, Standards and Code of Best Practice.](#)
- [The Promise](#)
- [My Rights, My Say - Advocacy support for children](#)
- [Enquire – the Scottish advice service for additional support for learning](#)

#### 5.1 Public Sector Equality Duty

- [Public Sector Equality Duty](#)
- [Equality Act 2010: guidance](#)
- [Fairer Scotland Duty: guidance for public bodies](#)

#### 5.2 National Performance Framework

- [National Performance Framework](#)
- [National Indicator Performance | National Performance Framework](#)
- [Child Social and Physical Development | National Performance Framework](#)
- [Child Wellbeing and Happiness | National Performance Framework](#)
- [Children's Voices | National Performance Framework](#)
- [Healthy Start | National Performance Framework](#)
- [Quality of Children's Services | National Performance Framework](#)

- [Children have positive relationships | National Performance Framework](#)
- [Child Material Deprivation | National Performance Framework](#)

#### 5.4 Children's Services Plans

- [Children's services planning: guidance](#)
- [Children and Young People \(Scotland\) Act 2014](#)

#### 5.5 Child Poverty (Scotland) Act 2017

- [Child Poverty \(Scotland\) Act 2017](#)
- [Additional information - Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026](#)
- [Every child, every chance: tackling child poverty delivery plan 2018-2022](#)

#### 5.6 Examples of specific relevant policy areas

- [Convention on the Rights of the Child | UNICEF](#)
- [Getting it right for every child \(GIRFEC\)](#)

##### 5.6.2 The Promise

- [Ministerial Foreword by the Deputy First Minister - Keeping the Promise implementation plan](#)

## Annex A: Case studies: taking a children's human rights approach

### A.1 First-tier Tribunal for Scotland Health and Education Chamber (Additional Support Needs)

- [Addressing trauma and adversity | Resources | YoungMinds](#)
- [Additional Support Needs Tribunals for Scotland - 11th Annual Report](#)
- [Guidance to Tribunal Members | First-tier Tribunal for Scotland \(Health and Education Chamber\)](#)

### A.2 The Right to Non-discrimination: LGBT Inclusivity in Education

- [Time for Inclusive Education \(TIE\)](#)
- [LGBT Inclusive Education | National Platform](#)

### A.3 Engaging with children to improve policymaking – GIRFEC refreshed guidance

- [GIRFEC principles and values - Getting it right for every child \(GIRFEC\)](#)
- [GIRFEC resources - Getting it right for every child \(GIRFEC\)](#)
- [Wellbeing \(SHANARRI\) - Getting it right for every child \(GIRFEC\)](#)
- [6. The Wellbeing Indicators \(SHANARRI\) - Getting it right for every child \(GIRFEC\) Practice Guidance 1 - Using the National Practice Model](#)

#### **A.4 Accessible play for disabled children**

- [Supporting disabled children, young people and their families: guidance](#)
- [Refurbishment of play parks](#)
- [Free to Play: A guide to creating accessible and inclusive public play spaces \(2018\)](#)

#### **A.5 Supporting young Traveller communities' access more inclusive education**

- [Improving educational outcomes for children and young people from travelling cultures report \(Dec 2018\)](#)

#### **A.6 Children's Hearings Scotland and the Trauma Informed Approach**

- [Trauma-informed practice: toolkit](#)

#### **B. Top tips for developing easy read communication**

- [Creating child-friendly versions of written documents: A guide \(europa.eu\)](#)





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