Child Rights and Wellbeing Impact Assessment (CRWIA)

External Guidance

(Not for use by Scottish Government or Executive Agencies)

August 2024

Scottish Government
Riaghaltas na h-Alba

Introduction

The Scottish Government (SG) has completed and published Child Rights and Wellbeing Impact Assessments (CRWIAs) since 2015, to ensure children's rights are taken into account in all legislation, policies, and strategic decisions. Elsewhere you may have come across Child Rights Impact Assessments (CRIAs) and wondered why ours is slightly different. As Scotland use these two approaches to achieve objectives within their National Performance Framework, the wellbeing aspect of CRWIAs is specific to Scotland. This covers the wider policy landscape , as Getting it right for every child (GIRFEC) is one of our national approaches to improve the realisation of children's rights.

To make Scotland the best place in the world for a child to grow up, children's rights need to be fully and progressively realised across all sectors and society. This requires a cultural change, supported by awareness raising on children's rights and how authorities and organisations can take a children's human rights approach. As the outputs of all public services (not just children's services) and wider organisations may impact the rights and wellbeing of children and young people, it is vital that they consider children and young people in their work. Organisations should take a children's human rights approach to decision-making, such as when creating a new policy, project or programme. The Scottish Government cannot deliver this cultural change alone; we all have a responsibility to respect and protect children's rights and must embed child rights practice into our everyday work. To assist with this the Scottish Government has published non-statutory guidance on Taking a children's human rights approach: guidance

Completing CRWIAs and involving children and young people in decision-making are two important ways to support this cultural change and uphold and respect children's rights in Scotland.

Informed by feedback from stakeholders, we have updated the external CRWIA example templates and guidance, and provided links to further resources throughout this document. However, please note that while published CRWIA examples are

linked throughout, quality assurance of the content of external CRWIAs has not been carried out by SG.

European Network of Ombudspersons for Children (ENOC) research on CRIA indicates that there is no single, global model of CRIA/CRWIA in place and the template provided by the Scottish Government, is just one example of how the CRWIA process may be approached. One of the key elements to successful implementation of CRWIA, is developing a process that works for your organisation.

We will continue to gather feedback from those using the templates and guidance to ensure they are continuously improved.

Definition of a CRWIA

The CRWIA is an assessment process, tool and report through which the potential impacts of any proposed decision, including the development of policies, projects, programmes or services, have on children's rights and wellbeing. This allows for these to be identified, analysed and recorded.

A CRWIA asks a range of questions to encourage and guide thinking around potential impacts. This includes questions around impacts on specific groups of children, potential positive and potential negative impacts, and how children have been engaged to obtain their views and inform decisions made.
The CRWIA uses two frameworks in its assessment:

- the UNCRC articles
- the eight wellbeing indicators SHANARRI which are key components in the values, principles and aims of the Getting it Right For Every Child (GIRFEC) approach

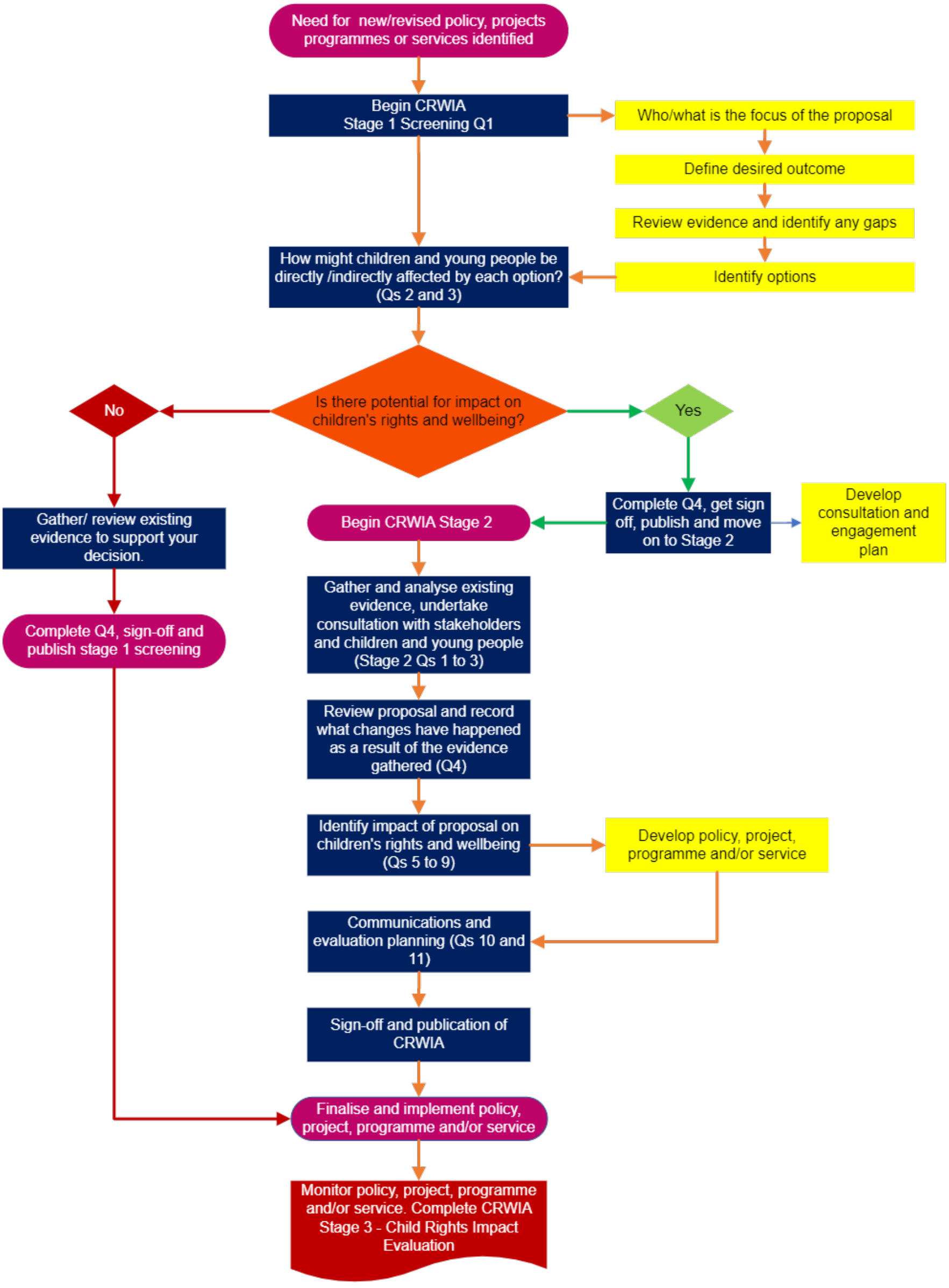
CRIAs are internationally recognised as a means of upholding and fulfilling children's rights in the decision-making process. They are recommended by UNICEF, and are recognised as one of the general measures of implementation under the UN Convention on the Rights of the Child (the UNCRC) per General Comment No.5.
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. The Scottish Government's use of CRWIAs is a vital means of upholding and respecting children's rights.

CRWIA has many benefits including:

1. organisations consider the potential impact of policies/measures on children's rights and wellbeing
2. CRWIA helps organisations to consider children's views during the decision-making process in accordance with needs expressed by children themselves
3. assessment of potential impact is informed by existing evidence and research, and helps identify where there may be gaps in evidence
4. any potential negative impacts on children can be identified, mitigated against, and policy can be improved to uphold and advance the rights and wellbeing of children

CRWIA Process Map

The below process map gives an overview of the CRWIA process mapped against the policy development process, the stages of which will be broken down in the next section of this guidance. Plain text of the process map can be found in Annex 2.



Stage 1 – Screening (Initial Assessment of potential impact)

The Stage 1 exercise is a preliminary check to see if the organisational decision, such as the creation of a new policy, project, programme or service, has any potential impact on children and young people's rights and wellbeing.

The assessor probably will not fully know the impacts as this will be uncovered at Stage 2 when evidence is gathered, however, it will help to decide if a Stage 2 is needed and to start to think about what aspects to consider at Stage 2. Further information on this is outlined below.

This initial assessment should not take long to complete. It should be completed as early as possible in the development stage and mark the date when the decision was made to start drafting this work in question 1.a of the template.

Even if from this initial assessment no Stage 2 is required, you have still engaged in the CRWIA process and through analysis of the piece of work, found that it will not have a significant potential impact on children and young people. Therefore, it is not necessary or proportionate to complete a Stage 2.

We will now go through each of the questions on the CRWIA templates which have been developed for external use, however as mentioned above, this can be changed to fit your organisation or the purpose it needs to achieve, so don't be afraid to change as needed.

Cashback for Community Partners', CRWIAs have been developed for use by individual organisations and are different to the Scottish Government external template. A full list of Cashback for Community Partners' CRWIAs is available to view and may assist with developing your own template or drafting the CRWIA.(Please click on the plus (+) button for each organisation and find a link to their latest CRWIA at the bottom of the page).

Question 1 - Brief summary

In this section briefly describe the organisational decision and resulting piece of work, as clearly as possible. Only include relevant information, additional surrounding information should only be included if required for the reader to understand the current aim of the decision. This section should be written in plain English, using language which is easy for all to understand, so abbreviations should be avoided. Children may want to read the CRWIA, so it should be written for them to understand. It is recommended to pitch the writing to a 9 year old's reading level. Guidance is available on the UK Government website to assist with writing styles and accessibility. Please also be mindful that a reader may have no prior knowledge of the organisation and their work.

Question 2 - What aspects of the decision will affect children and young people up to age 18?

In this question, consider how the organisation's decision will affect children and young people specifically. Please consider:

- the decision as a whole and then analyse specific features or outputs of it and think of their potential impact
- both direct and indirect potential impact. For example, a service aimed at assisting adults or groups of adults could have an impact on their children
- positive and negative potential impact (we will return to this in the guidance for Stage 2)

Case example: Direct and indirect impact on children and young people.

The services that project X will provide will have a potential direct impact upon children and young people diagnosed with cancer, and their parents/ carers. We will ensure that they do not have to face cancer alone. We will be there to minimise the disruption cancer has, so families are better able to manage their day-to-day lives. By providing staff that they can trust and openly talk with about their fears and helping to reduce feelings of worry and stress around their finances, we will enable families to spend more time focusing on caring for themselves and their child. Crucially, this will lead to improved emotional wellbeing and mental health for those

that we support which includes both children with cancer, and their immediate families.
Additionally, families of those impacted by cancer under the age of 18, such as siblings, cousins etc. will be indirectly impacted due to the support provided. By supporting parents/ carers of a children living with cancer, and the child themselves this in turn should improve home life in terms of general environment, finances, capacity etc. By supporting those directly impacted, the wider family may also be positively impacted.

Question 3 - Which groups of children and young people will be affected by the decision?

This can refer to any grouping of children or young people by a shared characteristic – not just age or setting but the circumstances in which they are living.
While a CRWIA should be completed in addition to other impact assessments (as it is the only assessment which takes all of the UN Convention on the Rights of the Child (UNCRC) rights into consideration), certain aspects within an Equality Impact Assessment will more than likely cross over into the CRWIA. The potential impacts from both the CRWIA Stage 1 and EQIA screening sheet may therefore be useful and it may help if both documents are completed alongside each other.

Case example: Groups of children and young people who will be affected

Programme X works to support babies, toddlers, children and young people with a learning and communication difference at all stages of communication to be able to make choices, express their opinions and have their voices heard. As a group, people of all ages with a learning disability can struggle to have their voices heard, and thus this group of children with a communication and/ or learning disability will benefit from this tailored support. Additionally, as a service, Programme X also strives to communicate to parents, education providers and the children themselves, that all communication matters and every effort should be made to support each and every child on our Programme to have their voices heard, irrespective of communication style to create wider awareness and in turn allow for this group to be heard and thrive.

Question 4 – Is a Stage 2 Required?

While an initial assessment for all strategic decisions should be undertaken, not all pieces of work will need to progress to have a Stage 2 assessment completed.

Stage 2 will require testing potential impacts by gathering evidence and gathering the views of children and young people to provide an informed view of potential impact.

When assessing if there is need to proceed to Stage 2, please consider:

1. what is the scale of impact of children i.e. how many children and young people will be impacted
2. how significant is the impact

There may be instances when a project only has the potential to impact a handful of children and young people either directly or indirectly. However, if those potential impacts are significant it should still have a Stage 2 assessment completed. Essentially, consider, are the impacts proportionate enough that a Stage 2 is needed or necessary to fully explore?

There is no threshold on the significance of impact which would trigger a Stage 2 however, below are a list of potential aspects to consider in making a decision. The assessor should take into account:

- the vulnerability of the groups affected by the programme or project
- the consequences of the decision for these children
- whether a high level of resources will be committed to the piece of work
- how high profile the decision is
- whether this is a major new direction for the work
- whether the decision will be subject to consultation
- whether there is a lack of evidence on the way in which this type of work could impact children and young people, including evidence from children themselves

- whether it is difficult to anticipate what the potential impact will be on children and young people

If the answer to any of these is ‘yes’, a Stage 2 is usually required. If unsure, we would always advise to lean on the side of caution and complete a Stage 2. However, it is ultimately up to the individual or group undertaking the CRWIA.

If a Stage 2 is not required the assessor must explain the decision underneath ticking the ‘CRWIA Stage 2 not required’ box.

If a Stage 2 is required, proceed to the Stage 2 preparation phase highlighted in red on the template.

Stage 2 preparation

While it is advised that all evidence is prepared first to ensure that the organisation is not consulting on areas which have already been researched, aspects of this can be filled out alongside completing the Stage 2 CRWIA.

The template helps to prepare for starting the Stage 2 by asking how the assessor will:

- gather existing evidence
- plan which stakeholders to engage with to get the information needed to inform the decision
- engage with children and young people (including specific groups) to inform the decision

The Stage 2 then notes how the assessor actually did each of these three things.

Stage 2 – Further Assessment of Impact

The Stage 2 CRWIA template uses questions and a sign off process to help guide the assessor through explaining:

- how the qualitative and quantitative evidence to back up assessment of potential impacts has been gathered
- how the assessor has sought out the views of children and young people who are (positively or negatively) impacted by the decision
- how the decision positively impacts children and young people based on research, and if there are negative impacts, how these have been mitigated against
- how the decision contributes to the wellbeing of children and young people;
- how all of the qualitative and quantitative research influenced the development of the piece of work
- how the organisation will make this CRWIA accessible to children and young people and share this information once it has been published

The template includes the text of the UNCRC to support an understanding of each right and make a determination of potential impact against each article.

Question 1 - What evidence has been used to inform the assessment? What does it tell about the impact on children's rights?

In this question, simply highlight the main sources of evidence used and what they told the assessor about specific areas to inform the decision.

Make this as clear as possible, the assessor may want to start by listing each piece of evidence and how it was gathered. Then clarify what each piece of evidence told the assessor relating to the work.

E.g. statistical data from Source A demonstrated that small numbers of under 18's use this service and therefore we felt this aspect of the project would not be as beneficial as XXX for which over X% of users are under 18. XXX would have the potential to positively impact their right to ZZZ due to…

It is not necessary to undertake different research for every impact assessment that needs to be completed. Impact assessments should not be completed in isolation, as each one is considered, a number of crossovers between impact assessments such as the CRWIA, EQIA and the Fairer Scotland Duty Assessment will come to light. Thoughtful planning and preparation early on in the process will ensure effective evidence gathering to apply results to a number of different areas and assessments. This will avoid duplication, save time, and mitigate against participation fatigue.

What evidence do I use?

CRWIAs aim to ensure reasoned and evidence-based decision-making that takes into account the rights and wellbeing of children and young people. The UNCRC requires governments to ensure they collect and have access to data that covers issues pertaining to children's rights. Evidence should consist of a combination of quantitative and qualitative data that provides information on, for example:

- the numbers and groups of children and young people who will be potentially impacted
- the views and experiences of children and young people who will be potentially impacted
- service data from other agencies or services that will be potentially impacted, and their views on the decision

Gathering this information demonstrates that steps have been taken to ensure children and young are considered in the organisational decision-making.

Some helpful sources of evidence can be found through the following links:

- Children in Scotland - Children and Young People's Evidence Bank
- Scottish Government - Decision-making: children and young people's participation
- Public Health Scotland - Child health data and intelligence
- the Equality evidence finder
- the National Performance Framework

- Tableau Public - Children and Young People Data
- Scottish Government Datasets
- Scottish Government Children, young people and families outcomes framework - core wellbeing indicators: analysis

Identify any gaps in the evidence base, and set out how these will be addressed.

Where possible, identify the protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) of the children and young people who will be affected or have been affected by similar programmes or projects, or work with similar themes to yours. As there can be different levels or types of potential impact on different groups, this allows the assessor to scope out a wider analysis and areas to gather evidence. It will also help identify where there are any gaps in the evidence.

Where there is insufficient, contradictory or only anecdotal evidence, a decision will have to be made on whether a well-informed assessment of the potential or actual impacts can be made without conducting further research. If it is identified that there are important gaps in the evidence, a plan should be developed to address these. If available, this plan should be discussed with analytical colleagues to help address the gap.

Case example: National Health Service (NHS) Model Complaints Handling Procedure

When reviewing the available evidence on NHS complaints, the NHS Model Complaints Handling Procedure CRWIA noted that NHS complaints statistics are not disaggregated by the age of the patient/complainant. This led to a recommendation that the views of children and young people who complain about NHS services in Scotland are routinely sought as part of a revised complaints data set, and that this information is used to inform continuous improvement.

Question 2 - Evidence from stakeholder/ partner organisations

In this question, please highlight if any existing evidence has been used, that colleagues from other organisations can provide knowledge or expertise on. Additionally, other organisations may have similar projects or programmes which to draw evidence from, both to inform your organisation's assessment, and inform the development of the piece of work. These organisations may have already conducted focus groups, interviews, surveys etc. on topics which would be of relevance.

Question 3 - Evidence from children and young people

Why Consult?

Anyone who will be affected by a decision should be given the opportunity to present their views. This includes children and young people, their parents/carers, organisations which work with them, the practitioners who will be impacted and public or private bodies expected to deliver the work. This is an important step in taking a children's human rights approach as it upholds the General Principle under Article 12 of the UNCRC, to involve children and young people in decisions that will affect them. Where there is no previous consultation or material which demonstrate the views of children and young people in this area, a new consultation or engagement should take place if the decision impacts them.

Before starting any engagement it is crucial to carry out research into the data that already exists from recent consultations, surveys, reports, etc. Children do not want to be asked the same question if they, or their peers, have already provided a response. This will reduce the risk of consultation fatigue.

Consultation approach

Where consultation with children and/or young people is needed, it can take place using one or more of the following methods:

- adding specific questions to a broader public consultation

- targeted promotion of public consultations to infants, children and young people through relevant websites, nurseries/schools/colleges, social media – ensuring that consultation materials are written in a style that is accessible to and suitable for children
- making use of existing consultation mechanisms through children's rights organisations that focus on participation (including, e.g. the Children's Parliament, Young Scot, the Scottish Youth Parliament, and YouthLink Scotland, as well as local youth councils, pupil councils, young person-led organisations)
- setting up/commissioning public consultations with infants, children and young people to gather their views on the proposed decision

For the purposes of the CRWIA, the consultation must specifically ask about the decision's potential impact on infants, children and young people, and their rights under the UNCRC.

Existing evidence may need to be supplemented. Where there is insufficient, contradictory or only anecdotal evidence, a judgement will need to be made as to whether a well-informed assessment of the potential impact can be made without commissioning further research and/or consulting with infants, children and young people, and other stakeholder groups, to fill that evidence gap.

When Direct Consultation is not possible

Where direct consultation is not possible, consider the following:

- relevant published research that involved and collected the views of infants, children and young people
- a re-analysis of children and young people's responses to a recent consultation that is relevant to this area. Please note that you will need to gain consent to use responses in this way from the organisation who commissioned the original engagement
- sending out a 'call for evidence' to service providers to ask them for any unpublished or difficult-to-locate information they have collected on the views

and experiences of the infants, children and young people who use them. Again, please note that you will need to gain consent to use information in this way from the organisation owns this information

- asking organisations which work with or on behalf of infants, children and young people to submit the views of those they work with - this is particularly useful to identify case study information, or the experiences of groups of children and young people living in particular circumstances; Again, please note that you will need to gain consent to use information in this way from the organisation owns this information. Looking at inspection reports that reflect the views of children and young people

Question 4 - How have the findings outlined in questions 1-3 influenced the development of the piece of work?

In this question, please outline clearly how the evidence/ stakeholder feedback, and views of infants, children and young people have been utilised to inform conclusions about the potential impacts the decision will have. Then, please explain if it has changed any parts or the entirety of the work while it is being developed. Alternatively, also note if it has reinforced the approach, features and focus which was already outlined to implement the piece of work.

Please clarify how these views have informed the children's rights and wellbeing analysis, and the CRWIA's conclusions/recommendations.

Question 5 – Assessing for impact against the UNCRC

The following question asks the assessor to refer to annex 1 which lists all of the articles within the UN Convention on the Rights of the Child (UNCRC) and two optional protocols which the UK is a signatory to. This allows for the assessor to fully understand what is meant by each article to make an accurate assessment of potential impact.

Using the conclusions drawn from the evidence gathered, and research in questions 1-3, please tick the relevant articles in the annex and use this information to summarise the potential impact of a project, programme or policy in this question.

In the later questions each right should be taken individually and its potentially positive or negative impact explained more thoroughly. Where impacts could be both positive and negative, please select both boxes and when there is no impact, this can be left blank.

A 'neutral' tick indicates that the specific rights are not relevant and will not be impacted as a result of its implementation. Rights identified as neutral do not need to be explained further in questions 6 and 7.

The assessment may reveal that the decision not only complies with the articles of the UNCRC but takes things further and helps progress the realisation of children's rights in Scotland – i.e. gives better or further effect to the UNCRC in Scotland. CRWIAs can provide a record of that development.

Question 6 – Positive impact

As previously mentioned, we all have a responsibility to respect, protect and fulfil children's rights in the services we provide. The UNCRC is not explicit about what respecting, protecting and fulfilling rights means but the intention is to ensure that advances in giving better and further effect to rights should be made and there should be no regression of rights.

Respect: decisions must not prevent or lessen a child's enjoyment of their rights.

Protect: action should be taken to ensure children's rights are not interfered with by others.

Fulfil: steps must be taken to ensure each right defined in the UNCRC is fully fulfilled.

While these three definitions are more closely aimed at Governments, to support a cultural change which progresses children's rights and wellbeing across the whole of Scotland your organisation should still provide measures that respect, protect and

fulfil children's rights where possible. They should not cause regressions unless responding to an extreme set of circumstances which may require temporary restrictions of rights to protect public safety. In cases such as these, mitigations and alternative options must be put in place and these restrictions should not be imposed longer than is necessary to respond to the circumstance.

Positive impact can take several different forms such as:

- the work has given further realisation and enjoyment of children's rights
- the work has been improved based on the UNCRC articles
- the work further respects, protects or fulfils the rights of children in Scotland
- the work has helped to give better or further effect to the rights of children, i.e. going above and beyond the UNCRC articles

Answers to Question 6 may cover how the decision/ work will do this.

Ensure the explanation of potential positive impacts is linked back to all those rights identified in the annex in question 5.

Question 7 - Negative Impact

If no rights have a potentially negative impact identified, then simply put N/A to this question and move onto question 9.

While all decisions and work should respect, protect and fulfil children's rights, there may be some unintended potential negative impacts uncovered throughout consultation and evidence gathering.

Negative impact can take several different forms such as:

- the decision may impede or actually reverse the enjoyment of existing rights, requiring mitigating measures be put in place
- the decision may positively impact some groups of children and young people but disproportionately have a negative impact on a particular group

For this question, link back to all rights highlighted in question five, and fully explain what the potential negative impact is. Additionally, the evidence gathered should inform the overall assessment of the extent of this impact.

In this question, explain why this potential negative impact either is or is not proportionate to warrant alternative options or mitigations.

Question 8 - Options for modification or mitigation of negative impact

If the assessment indicates a potential negative impact, options for modification or mitigation of the original decision must be presented. The assessor should also highlight the steps they will take so that this impact is lessened to neutral or positive. This should be clearly laid out in this question.

Options should:

- be proportionate to the severity of negative impact
- refer to any potential resource implications associated with the change
- indicate how the proposed change(s) or mitigating actions will rectify or minimise the negative impact

Careful consideration should also be given as to whether any potential negative impacts are necessary and proportionate when weighed against the decision. Again, evidence must be used to back up the assessment on proportionality of potential impact.

One example of this could be that it is clear that the public benefits clearly outweigh the potential negative impacts and are justified by evidence. Therefore, the decision has the least possible intended impact on the enjoyment of the rights in question and so is the best option. Again, this should be backed up by evidence and where possible demonstrate how groups and communities most likely to be impacted by the decision has been consulted.

Case example: Assessing a negative impact & listing options for modification or mitigation of the policy/measure

Although the Development of a Digital Learning and Teaching Strategy CRWIA identified a range of positive impacts when looking at creating a digital learning strategy to support the Curriculum for Excellence, it also identified potential and unintended negative impacts in relation to safety and health issues. The CRWIA listed three options that were considered to mitigate the potential negative impact in relation to internet usage safety – leading to additional safeguarding responsibilities being given to local authorities and education establishments – and two options to mitigate the potential negative impact in relation to a child's right to health. The CRWIA recorded that, in respect of the risk that increased use of digital technology may harm a child's health, it was decided that no action should be taken in recognition that the evidence to date is inconclusive. However, it also recommended that evidence in this area continue to be monitored and reviewed on a regular basis.

Question 9 - Impact on Wellbeing: will the decision contribute to the wellbeing of children and young people in Scotland?

As previously mentioned CRWIAs use two frameworks to assess potential impact:

1. UNCRC articles which have been analysed through assessment of rights in the previous questions
2. GIRFEC wellbeing indicators – which is what we will focus on in this question

The concept of wellbeing is outcomes-focused, with positive wellbeing as the intended result of conducting child-centred practice. It is part of the Getting It Right for Every Child (GIRFEC) initiative which is Scotland's national approach to improving the wellbeing and life chances of children and young people. It applies not only to children's services but other services that affect children and young people, all of which are required to safeguard, support and promote the wellbeing of children in an integrated and efficient manner (s.9(2) Children and Young People (Scotland) Act 2014).

‘Wellbeing’ is defined in s.96(2) of the Children and Young People (Scotland) Act 2014, through eight non-hierarchical and interconnected indicators: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included also sometimes known as ‘SHANARRI’. Like the articles of the UNCRC, the SHANARRI indicators focus on the whole child. The eight wellbeing indicators (SHANARRI) provide a framework for assessment and planning in relation to wellbeing. Practitioners and organisations should consider each of the eight wellbeing indicators (SHANARRI) (as listed below) in collaboration, with children or young people and their family.

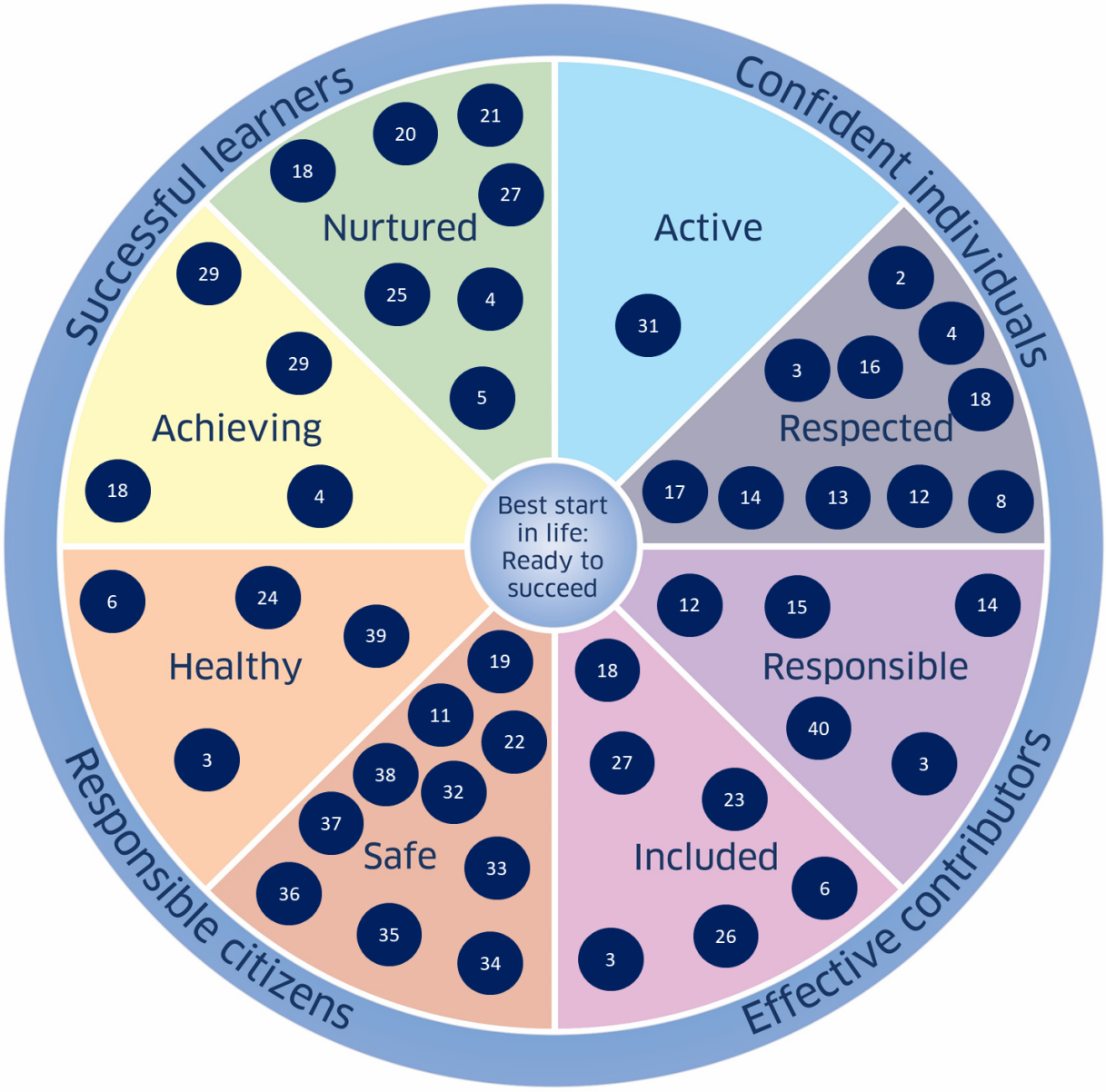
Similar to question 5, this question asks the drafter to assess against each of the wellbeing indicators in annex 2 by ticking yes if the decision is thought to improve wellbeing through promotion of that particular indicator. This reasoning should then be explained in question 9.

The 8 indicators to assess against are:

- safe: growing up in an environment where a child or young person feels secure, nurtured, listened to and enabled to develop to their full potential. This includes freedom from abuse or neglect
- healthy: having the highest attainable standards of physical and mental health, access to suitable healthcare, and support in learning to make healthy and safe choices
- achieving: being supported and guided in learning and in the development of skills, confidence and self-esteem, at home, in school and in the community
- nurtured: growing, developing and being cared for in an environment which provides the physical and emotional security, compassion and warmth necessary for healthy growth and to develop resilience and a positive identity.
- active: having opportunities to take part in activities such as play, recreation and sport, which contribute to healthy growth and development, at home, in school and in the community
- respected: being involved in and having their voices heard in decisions that affect their life, with support where appropriate

- responsible: having opportunities and encouragement to play active and responsible roles at home, in school and in the community, and where necessary, having appropriate guidance and supervision
- included: having help to overcome inequalities and being accepted as part of their family, school and community

Below is an example of how the Articles of the UNCRC could be mapped to the Wellbeing Indicators is shown below. N.B. The Articles of the UNCRC can be mapped under more than one wellbeing indicator.



Best start in life: Ready to succeed

Having the best start in life helps create:

- Successful learners
- Responsible citizens
- Effective contributors
- Confident individuals

The wellbeing indicators and the UNCRC Articles that apply are:

- safe (11, 19, 22, 32, 33, 34, 35, 36, 37, 38)
- included (3, 6, 18, 23, 26, 27)
- responsible (3, 12, 14, 15, 40)
- respected (2, 3, 4, 8, 12, 13, 14, 16, 17, 18)
- active (31)
- nurtured (4, 5, 18, 20, 21, 25, 27)
- achieving (4, 18, 28, 29)
- healthy (3, 6, 24, 39)

Further information on SHANARRI/UNCRC intersectionality can be found on Getting it right for every child principles and values.

Question 10 - How will the organisation communicate to children and young people the impact of the decision on their rights?

As previously discussed in question 3, it is good practice to include those impacted by the piece of work in the decision-making and development of it.

As all of this work to assess the potential impacts of the decision has been undertaken, it is good practise to should ensure that those affected can see that their views have been taken into account during its development. Additionally, the assessor should ensure to feedback to those involved directly that the CRWIA has been published so they can see how their views have influenced the decision. Therefore, if possible we would recommend amending any complex language or area-specific jargon within the CRWIA to ensure transparency and accessibility. You may also, where possible, want to consider publishing a child friendly version of the CRWIA.

Question 11 - Planning for the evaluation of impact on child rights

Much like at the end of the Stage 1, this question gives the opportunity to pre-plan for future step in the CRWIA process.

Stage 3 is the Child Rights Impact Evaluation (CRIE) and it allows the organisation to consider if:

- the anticipated impacts assessed in relation to children's rights materialised after a period of implementation of the decision
- there were any additional unintended/ unanticipated impacts

There is not a fixed period of time after a decision when an evaluation should be completed. As stated above, it is most appropriate to undertake a CRIE a period of time after the decision has been implemented or when a change of approach is being considered. Therefore, this could be 1, 3 or 5 years after the start date of the decision.

As part of the review and reporting cycle, the impact of previous decisions and their implementation should be routinely monitored, measured and evaluated. Therefore, together both stage 2 and 3 of the CRWIA help to ensure that the best interests of the child are a primary consideration in all actions and decisions that may affect them.

It should also be noted that Stage 3 and in some situations Stage 2 will be undertaken/updated more than once. For example, if there is a change to an ongoing programme or project. Rather than undertaking a full CRWIA, the original Stage 2 can be updated.

In preparing for Stage 3 detail planning how the impacts the existing piece of work has had on children and young people will be evaluated. This plan should include a provisional date for commencing this evaluation. Additionally, detail the intended approach that will be taken to gather evidence to support the evaluation.

As with Stage 2, this evidence should include both qualitative and quantitative data. When preparing for and undertaking the evaluation of impact, please give consideration to ensuring that the data collection remains open to unintended results

by including some open-ended questions in interviews and questionnaires, and by encouraging reporting of unexpected results.

Question 12 – Sign off process

Completed CRWIAs should be signed off by the relevant manager, confirming that the decision has been assessed for its potential impact on children's rights and wellbeing. Please also ensure that the annexes are deleted prior to publication as they are fully explained in the answers to the questions.

Stage 3 – Child Rights Impact Evaluation (completed after a period of implementation)

Stage 3 is the Child Rights Impact Evaluation (CRIE) and it allows for consideration of:

- if the anticipated impacts you assessed did materialise
- if there were any additional unintended/ unanticipated impacts

in relation to children's rights after a period of implementation of the programme or project. There is no set amount of time to complete this in. As stated above, it is most appropriate after the programme or project has been implemented or when a change or addition to the programme or project has been implemented. Therefore, this could be 1, 3 or 5 years after the start date of the programme, project, or change.

Prior to undertaking Stage 3, we ask that the overall CRWIA and guidance is revisited as some time will have passed since completing stage 2.

If there is a situation that no stage 2 has been completed and the organisational decision is already in force, we would recommend completing a CRIE to evaluate what impacts materialised and understand the decision at it stands. Then going forward, complete a CRWIA on any changes to that decision for potential future impacts.

The CRIE template is split into questions and sign off which allows the person evaluating the decision to:

- provide a summary of the programme or project and review
- assess the (positive and negative) impacts that occurred in relation to the organisational decision
- analyse if this was what was anticipated in the stage 2 CRWIA and if there were any unintended impacts

- explain how negative impacts (if any) that materialised will be mitigated against
- analyse the sustainability of the organisational decision and the impacts on children and young people if it ended

Question 1 - Brief Summary

This section briefly describe the overall aims of the work, along with the reason for the evaluation. This could be due to a planned annual review, changes or additions etc.

In the case of significant changes or additions, please consider whether Stage 2 of the CRWIA requires updating. The update would only need to cover the change e.g. the decision to remove a particular project within the programme, or add a new strand etc.

If Stage 2 is updated, as a result of this evaluation, please add the changes to the original CRWIA and republish alongside this evaluation. While publishing is not a requirement we encourage it as good practise.

Question 2 - What evidence has been used to inform the evaluation? What does it say about the impact on children's rights?

Similar to Stage 2 of the CRWIA process, Stage 3 aims to ensure reasoned and evidence based decision-making which takes into account the rights of children and young people.

In this question a combination of quantitative and qualitative data from a variety of sources should be used. Please gather and list relevant evidence used to inform the evaluation being made. This could include:

- feedback from infants, children and young people, stakeholder feedback, statistical data etc
- who was involved in the review e.g. infants, children and young people, colleagues, and stakeholders

- what did the review entail e.g. consultation, focus groups etc
- has consideration been given the validity of the evidence used? E.g. has up-to-date, relevant evidence been gathered from a reliable source?
- are there any gaps in the evidence e.g. were there any groups impacted that data was not able to be gathered from?

In answering the second part of this question, colleagues should provide a high level statement on the overall impact this work has had on children's rights. Later questions will go into this in more detail.

Question 3: Reflecting on the evidence gathered/feedback received, to what extent did the intended impacts on children's rights match the outcome?

When undertaking Stage 2 of the CRWIA, an initial assessment was made on the potential impact that the decision may have on children's rights. Reflecting on this and the evidence gathered after implementation, did the piece of work resulting from that decision achieve what it set out to do? Consider the following points in the response:

- did it impact upon the intended group/s?
- did it impact any additional rights?
- were any rights not impacted that were anticipated be in the CRWIA?
- any additional groups beyond the intended audience benefit?
- please detail in particular any positive or negative impacts
- please summarise any evidence on positive and negative impacts on children's rights
- dhow each impact affects different population groups differently
- please describe any unintended/unexpected impacts on children's rights

Question 4: Where a positive impact was evidenced, please reflect on and explain how this contributes to protecting, respecting and fulfilling children's rights in Scotland.

As described in Stage 2 question 9 of the CRWIA, a positive impact can take several different forms:

- the decision has given further realisation and enjoyment of children's rights
- the decision further respects, protects or fulfils the rights of children in Scotland
- the decision has helped to give better or further effect to the rights of children, i.e. going above and beyond the content of the UNCRC articles

In this question please ensure it is highlighted where the positive impact was anticipated from the assessment in stage 2 or unexpectedly arose after implementation.

Questions 5, 6 and 7 asks the person completing the evaluation to then consider the negative impacts the piece of work has had on children's rights. It should be highlighted where the negative impact was anticipated and mitigated against from the assessment in stage 2 or unexpectedly arose after implementation. Please note if mitigation measures against potential negative impacts were successful.

Question 5: Where a negative impact was evidenced, how did this affect different groups of children?

As highlighted in Stage 2 a negative impact can take several different forms such as:

- the work may impede or actually reverse the enjoyment of existing rights, requiring mitigating measures be put in place
- the work may have a detrimental impact on children, so should be withdrawn and alternatives presented

Please explain what negative impact has been identified in relation to any groups of children, and how this negative impact manifested. Consideration should also be given as to whether there were any groups negatively impacted upon that were not identified in the initial assessment.

Question 6: What aspects of the piece of work lead to negative impacts?

Where possible please identify which element(s) led to the negative impacts occurring.

Question 7: Going forward, how will any negative impacts be mitigated against?

Consideration should be given as to whether the existing negative impact resulting from this piece of work is still necessary and proportionate.

Highlight what options have been considered to modify the work in order to mitigate negative impact. For new and existing negative impacts please include an updated mitigation table (Stage 2 Question 8).

Question 8: How will the positive impacts evidenced on children's rights be protected? Are the positive impacts likely to be sustainable?

The following can be considered in the response:

- does the work have a fixed period of implementation?
- if the activity were to end, would the positive impact on children and young people be impacted?

Please get appropriate level sign off within your organisation, corporation or workplace and assess when/ if there will be another review.

A copy of the CRIE and any amendments to the Stage 2 CRWIA should be published on your website.

Annex 1 – Additional Resources

- Scottish Government's Introduction to Children's Rights e-learning (if you wish to host on your own learning platform, please contact CRWIA@gov.scot and we will send you the SCORM file).
- the UN Convention on the Rights of the Child
- UNICEF summary of the UNCRC
- the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024
- Scottish Government's Taking a children's human rights approach: guidance
- The extent to which the net benefits of the relevant proposal continue or are likely to continue.

Examples of external CRWIA templates:

- Scottish Government Child rights and wellbeing impact assessment guidance
- UNICEF - Child rights impact assessment - Child Friendly Cities & Communities
- European Network of Ombudspersons for Children (ENOC) - "Child Rights Impact Assessment"
- The Children and Young People's Commissioner Scotland - 'Listen, engage have fun': Guide on involving children in child rights impact assessment (CRIA) and child rights impact evaluation (CRIE)
- Together Scotland - Support the use of Child Rights Impact Assessments (CRIA's)

Annex 2 - The policy process and timelines for developing CRWIAs for decisions of a strategic nature – plain text

Step 1: Need for new/revised policy, projects programmes or services identified

Step 2: Begin CRWIA Stage 1 Screening Q1

Sub-step 2.1: Who/what is the focus of the proposal

Sub-step 2.2: Define desired outcome

Sib-step 2.3: Review evidence and identify any gaps

Sub-step 2.4: Identify options

Step 3: How might children and young people be directly /indirectly affected by each option? (Qs 2 and 3)

Step 4: Is there potential for impact on children's rights and wellbeing?

If no move to step 5

If yes move to step 4.1

Step 5: Gather/ review existing evidence to support the decision.

Step 6: Complete Q4, sign-off and publish stage 1 screening. Move to step 14.

Step 7: Complete Q4, get sign off, publish and move on to Stage 2

Sub-step 7.1: Develop consultation and engagement plan

Step 8: Begin CRWIA Stage 2

Step 9: Gather and analyse existing evidence, undertake consultation with stakeholders and children and young people (Stage 2 Qs 1 to 3)

Step 10: Review proposal and record what changes have happened as a result of the evidence gathered (Q4)

Step 11: Identify impact of proposal on children's rights and wellbeing (Qs 5 to 9)

Sub-step 11.1: Develop policy, project, programme and/or service

Step 12: Communications and evaluation planning (Qs 10 and 11)

Step 13: Sign-off and publication of CRWIA

Step 14: Finalise and implement policy, project, programme and/or service

Step 15: Monitor policy, project, programme and/or service. Complete CRWIA Stage 3 - Child Rights Impact Evaluation

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