

# ACHIEVEMENTS TO DATE

## LOCAL AUTHORITIES

- Working with 27 local authorities
- Strategic Leads Meetings
- LA staff to be trained as assessors
- Meetings held with ADES

Ambition being UNICEF UK oversee the award from 2025, with LAs leading the day-to-day work





## ABOUT CFC

- Child Friendly Cities & Communities is a UNICEF UK programme that works cross sector with councils, local partners and C&YP to put children's rights into practice
- The programme aims to create communities in the UK where all children – whether living in care, using a children's centre, or simply visiting their local library – have a **meaningful say in, and truly benefit from**, the local decisions, services and spaces that shape their lives
- The structured, supported programme journey centred around local child rights strategy helps councils to deliver and evaluate interventions that ensure **children feel safe, heard, cared for and able to flourish.**

 CHILD FRIENDLY CITIES & COMMUNITIES

 **unicef**  
UNITED KINGDOM

# HOW WE WORK

- **Grow child rights knowledge, expertise, capacity and culture**
  - Deliver tailored expert training in children's rights and participation and engagement to integrate a systemic child rights-based way of working across the public service workforce
  - Strengthen capability and confidence by providing the tools and technical advice needed to put children's rights into practice
  - Build capacity cross sector by helping councils bring their local partners together to work with the programme raising awareness of children's rights more widely, accelerating rights across the entire community
- **Develop a local child rights-based strategy**
  - Highlight existing good practice and identify gaps with baseline studies, participation and engagement mapping and discovery sessions
  - Tailor child rights-based action plans focusing activity, outputs and outcomes with children & young people at the heart of what we do, alongside local context
- **Deliver meaningful change with positive outcomes for children and young people**
  - Incentivise achieving impact through recognition scheme
  - Develop local child rights evaluation framework to underpin strategy
  - Provide opportunity to join UK and global network of cities and communities committed to children's rights



CHILD FRIENDLY  
CITIES &  
COMMUNITIES



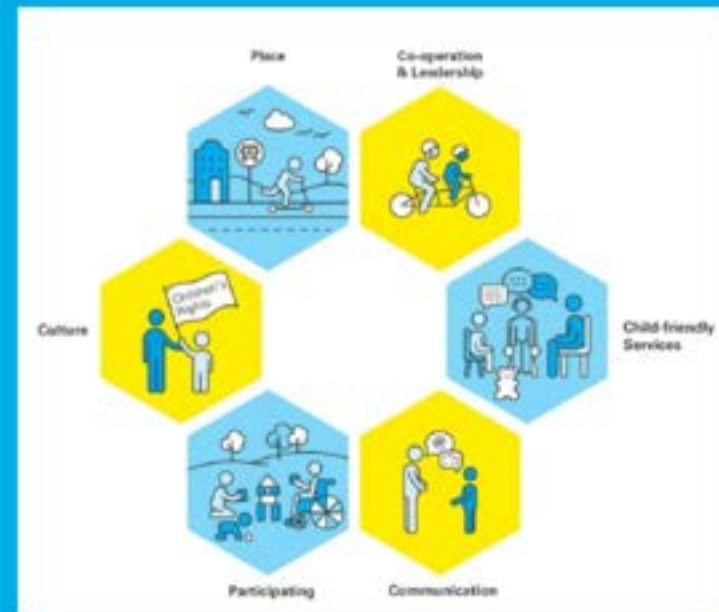
# CFC IN ACTION: ABERDEEN

- **Effective cross sector child rights training** - Regular multi-agency cohorts trained in Children's rights in practice; Elected members, council leadership, commissioning and planning, social care, third sector partners, education, housing, police, health and wellbeing services, youth services, communication and children and young people.
- **Child-Friendly Services** – Children and young people are co-producing evaluation tool for services to health check their child-friendly status and implement development strategies in response.
- **Place** - Children help to design and shape a child friendly, **inclusive and sustainable** city center through regular and varied engagement opportunities with Aberdeen's planning department.

*'They tend to think about the "art of the possible" and not the potential constraints, or how much things might cost. And we get these more open-minded and less constrained viewpoints that don't only challenge the norm, but also challenge us as professionals to think differently.'*

*'They rarely focus on how plans will affect them as individuals, but whether they will benefit the community.'*

**Claire McArthur, Interim Policy & Strategy Manager, Planning Department**



**CHILD FRIENDLY  
CITIES &  
COMMUNITIES**







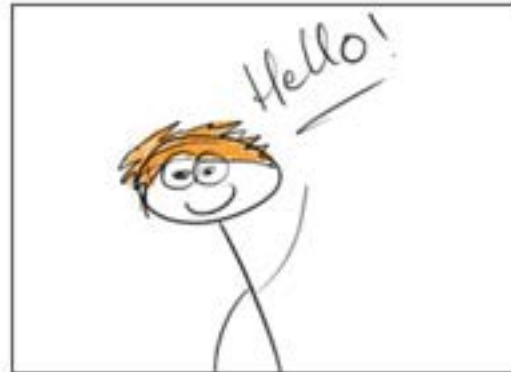
# Child Friendly Complaints

[REDACTED]  
Scottish Public Services Ombudsman

[REDACTED]  
Project Manager



# Introduction







Context





## Project aim

Co-design and implement a public sector complaints service that meets children's rights and needs, working in co-operation with children and young people, public bodies and wider stakeholders



## Engagement topics

- Reassurance & confidence building
- Channels of communication
- Formality
- Timescales
- Advocacy
- Assessment of capacity
- Balancing rights and consent



# Co-design workshops





## Current timeline

- Final testing over the next few weeks
- Formal public consultation will follow
- Publication of process early next calendar year
- Soft launch 1 April 2023



## Practical challenges

- Availability of stakeholders
- Time to build relationships
- Resourcing concerns of public bodies



# Strategic challenges and issues





# Questions







## Contact details

Scottish Government colleagues can find us on Teams

Email:



**Document 19 – Email to SIB extending deadline for feedback on Monitoring & evaluation strategy – 13/10/22**

**From:** [Redacted Section 38(1)] On Behalf Of UNCRC Incorporation  
**Sent:** 13 October 2022 15:19  
**Cc:** UNCRC Incorporation <UNCRCIncorporation@gov.scot>  
**Subject:** [REVISED DEADLINE - 20 OCTOBER] FW: UNCRC - For Comment - Monitoring & Evaluation Strategy [OFFICIAL]

Dear Board Members,

As per our previous email of 28 September, I am writing to inform you that we have extended the deadline for feedback on the Monitoring and Evaluation Strategy to **Thursday 20 October**.

I would be grateful if responses could be sent directly [Redacted Section 38(1)] , copying in [UNCRCIncorporation@gov.scot](mailto:UNCRCIncorporation@gov.scot).

Please do not hesitate to get in touch if you have any further questions.

Best wishes,  
[Redacted Section 38(1)]

[Redacted Section 38(1)]  
[Redacted Section 38(1)] | Embedding Children's Rights in Public Services | Children's Rights Unit  
Scottish Government | Area 2B South | Victoria Quay | Edinburgh | EH6 6QQ

**From:** [Redacted Section 38(1)] ] On Behalf Of  
[UNCRCIncorporation@assured.systems.gov.scot](mailto:UNCRCIncorporation@assured.systems.gov.scot)  
**Sent:** 28 September 2022 15:25  
**To:** [UNCRCIncorporation@assured.systems.gov.scot](mailto:UNCRCIncorporation@assured.systems.gov.scot)  
**Subject:** UNCRC - For Comment - Monitoring & Evaluation Strategy

Dear Board Members

Thank you for attending the Strategic Implementation Board meeting on 27 September 2022.

As discussed, we are keen to receive your views on the Monitoring & Evaluation Strategy as presented by Liz Levy. For ease reference, I have reattached the paper to this email and invite members to provide written feedback on same.

I would be grateful if responses could be sent to directly [Redacted Section 38(1)], copying in [UNCRCIncorporation@gov.scot](mailto:UNCRCIncorporation@gov.scot) by **CoP Wednesday 14 October**.

Thank you in advance for your feedback and please do not hesitate to contact us should you have any queries regarding the above.

Kind Regards

[Redacted Section 38(1)]

Project Manager  
UNCRC Implementation, Directorate for Children and Families, Scottish Government

*My working hours are: Monday - Friday (09:00-17:00)*

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**Document 20 – SIB Agenda – January 2022**



**UNCRC Strategic Implementation Board  
Tuesday 24 January 2022  
15:30 – 17:00**

<b>No</b>	<b>Times</b>	<b>Item</b>	<b>Lead</b>
<b>62.</b>	15:30-15:35	Welcome and Apologies	Michael Chalmers, Chair
<b>63.</b>	15:35-15:40	Minutes and actions from last meeting <ul style="list-style-type: none"> <li>• Paper 2 - Minutes</li> <li>• Paper 3 - Accessible minutes</li> <li>• Paper 4 - Action tracker</li> <li>• Paper 5 – Highlight report</li> </ul>	<b>[Redacted Section 38(1)]</b> Children’s Rights Unit
<b>64.</b>	15:40-15:50	Update on the Bill	<b>[Redacted Section 38(1)]</b> Children’s Rights Unit
<b>65.</b>	15:50-16:10	Monitoring and Evaluation Framework <ul style="list-style-type: none"> <li>• Paper 6</li> </ul>	<b>[Redacted Section 38(1)]</b> , Children’s Rights Unit
<b>66.</b>	16:10-16:25	Feedback on public authority commencement support impact chain <ul style="list-style-type: none"> <li>• Paper 7</li> </ul>	<b>[Redacted Section 38(1)]</b> Children’s Rights Unit
<b>67.</b>	16:25-16:35	The development of a risk register	<b>[Redacted Section 38(1)]</b> Children’s Rights Unit
<b>68.</b>	16:35-16:55	Presentation from Together or their contribution to the UNCRC Implementation Programme	<b>[Redacted Section 38(1)]</b> , Together
<b>69.</b>	16:55-17:00	A.O.B	Michael Chalmers, Chair
<b>70.</b>	17:00	Close	Michael Chalmers, Chair

**Document 21 – SIB agenda March 2023**



**UNCRC Strategic Implementation Board  
Tuesday 28 March 2023**

**15:30 – 17:00**

<b>No</b>	<b>Times</b>	<b>Item</b>	<b>Lead</b>
<b>71.</b>	15:30-15:35	Welcome and Apologies	Michael Chalmers, Chair
<b>72.</b>	15:35-15:40	Minutes and actions from last meeting <ul style="list-style-type: none"> <li>• Paper 2 - Minutes</li> <li>• Paper 3 - Accessible minutes</li> <li>• Paper 4 - Action tracker</li> <li>• Paper 5 – Highlight report</li> </ul>	<b>[Redacted Section 38(1)]</b> , Children's Rights Unit
<b>73.</b>	15:40-15:50	Update on the Bill	<b>[Redacted Section 38(1)]</b> , Children's Rights Unit
<b>74.</b>	15:50-16:05	Support for Commencement	<b>[Redacted Section 38(1)]</b> , Children's Right Unit
<b>75.</b>	16:05- 16:50	Presentation on approach to reviewing the provision of advocacy support for children's rights. Includes an introduction on why advocacy matters from Selwyn McCausland from Barnardo's and film by Who Cares Scotland?	<b>[Redacted Section 38(1)]</b> , Children's Right Unit
<b>76.</b>	16:50-17:00	A.O.B	Michael Chalmers, Chair
<b>77.</b>	17:00	Close	Michael Chalmers, Chair

## Document 25 – SIB Highlight report – November 2021

<b>Programme</b>	UNCRC Implementation Programme	<b>Programme Manager</b>	[Redacted Section 38(1)]
<b>Report Period</b>	October 2021	<b>Senior Responsible Officer</b>	[Redacted Section 38(1)]
<b>Report Date</b>	25/11/2021		

<b>Headline Comments from Programme Manager</b>	<b>Period:</b> October 2021 – November 2021
<p>Over the past six months, the team has developed the four priority strands for the UNCRC Implementation Programme, which are: Scottish Government Leadership for Children’s Rights; Empowered Children and Young People who can Claim their Rights; Embedding Children’s Rights in Public Services; and Children’s Rights Resolution. We have also increased capacity within the SG Children’s Right Unit in order to take forward this ambitious programme.</p>	

### Summary of key activities completed in last month

<h3 style="background-color: #4F81BD; color: white; padding: 5px;">SG Leadership for Children's Rights</h3> <p><b>Programme Lead - [Redacted Section 38(1)]</b></p> <ul style="list-style-type: none"> <li>• <b>CRWIA-</b> Revised Children’s Rights and Wellbeing Impact Assessments (CRWIA) guidance and templates were published on 19 November 2021.</li> <li>• <b>Reporting-</b> Progressing the Human Rights of Children in Scotland: A Report 2018-2021, including an easy-read version, and Progressing the Human Rights of Children in Scotland : An Action Plan 2021-2024 were published on 19 November 2021.</li> <li>• <b>LOIPR-</b> We are working with the UK Government to contribute to and support the compilation of the UK-wide response to the UN Committee’s List of Issues Prior to Reporting (LOIPR) report. As the UN Committee has placed a strict word limit on the UK response, it is likely that not all of the Scottish Government’s contribution will be included in the final UK report. In view of this, we are also working to develop and publish a comprehensive Scottish Position Statement in late spring of 2022.</li> <li>• In 2022, Scottish Youth Parliament will support Scottish Government colleagues in agreed departments and Non Departmental Public Bodies to develop and deliver a meaningful approach to the participation of young people in their work.</li> </ul>
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<h3 style="background-color: #4F81BD; color: white; padding: 5px;">Empowered Children and Young People</h3> <p><b>Programme Lead - [Redacted Section 38(1)]</b></p> <ul style="list-style-type: none"> <li>• <b>Participation and Engagement-</b> Executive Team met with the Scottish Youth Parliament on 9 November and discussed issues from their manifesto, aligning with PfG commitments including: Rights and Participation; Mental Health; Education and Gender Recognition. Evaluation is being considered, and we are exploring an effective means to feedback on agreed actions. Reporting on actions from the 2021 Cabinet event is underway, and preliminary planning for the next Cabinet Meeting with children and young people from the Children’s Parliament and Scottish Youth Parliament on 1 March 2022.</li> <li>• <b>Consortium-</b> Two Interim Consortium meetings have now taken place, facilitated by Together. As a result children and young people’s views on a number of UNCRC matters have been shared with the SIB. Children and young people contributed to the development of the action plan and provided some ‘top tips’ to support joint working between the Consortium and the SIB. [Redacted Section 38(1)], [Redacted Section 38(1)] and [Redacted Section 38(1)] attended the November Consortium to provide feedback to CYP. We are currently exploring the role, structure, potential membership arrangements and operating mechanisms of the main Consortium to develop the specification for the Consortium Coordinator role. The procurement ITT will be published in mid-January with the Consortium Coordinator starting in April 2022.</li> <li>• <b>Awareness Raising-</b> A mapping of children’s rights awareness raising resources has been completed, although it will continue to be updated as an on-going exercise. Work has also been taken forward to explore awareness raising amongst parents and carers- this has included meeting with SIB member, [Redacted Section 38(1)] from</li> </ul>
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Parenting Across Scotland and arranging meeting's with other parents groups and finalising questions on the UNCRC for inclusion in the next parents survey.

## Embedding Children's Rights In Public services

### Programme Lead – [Redacted Section 38(1)]

- **Guidance** – Introductory non-statutory guidance on children's rights and the UNCRC was published on 19 November 2021, alongside a cover letter aimed at public authorities.
- **Reference Group** – agreement has been reached with the short-term working group for guidance to expand their remit to act as the reference group, providing wider support to the Embedding Children's Rights in Public Services strand.
- **Skills and Knowledge Framework** – This work will support capacity building in public services in taking a child's rights approach in practice to drive forward the culture change required. Scoping work with key stakeholders continues and is informing the development of the ITT specification.
- **Innovation Fund** – This will be set up to provide financial support for testing and implementing creative approaches to embedding children's rights. Scoping work with key stakeholders continues and is informing the development of the ITT specification.
- **Partnerships** – Work continues to scope two proposals from Unicef, one focused on RRSA and one on training to priority areas within SG.
- **Support for public authorities** – a grant letter has been issued to the Improvement Service to support public authorities with implementing the UNCRC – to include a collaborative action learning programme, peer support network and a review of existing evaluative tools that help services assess their approach to rights-respecting practice.

## Children's Rights Resolutions

### Programme Lead - [Redacted Section 38(1)]

- **Evaluation and Monitoring** – [Redacted Section 38(1)] has now joined the Scottish Government to take up a 3 month internship on UNCRC implementation evaluation with Children & Families analyst colleagues. This work will take the form of an evidence review on the links between policy actions and activities and children's rights outcomes and will inform the future development of the monitoring and evaluation framework for UNCRC Implementation.
- **Child Friendly Complaints** – An agreement has been reached with the Scottish Public Services Ombudsman to develop and implement child-friendly complaints processes across public services in Scotland.
- **Theory of Change** – We agreed a grant award to the Observatory of Children's Human Rights Scotland working in Partnership with Public Health Scotland to develop a Theory of Change for implementing the UN Convention on the Rights of the Child in Scotland.



**PAPER 1**

**UNCRC Strategic Implementation Board**

**Thursday 30<sup>th</sup> June 2022, 3.00 – 4.30 PM**

**Agenda**

<b>No</b>	<b>Times</b>	<b>Item</b>	<b>Lead</b>
<b>78.</b>	15:00-15:05	Welcome and Apologies	Michael Chalmers, Chair
<b>79.</b>	15:05-15:15	Minutes and Actions from last meeting <ul style="list-style-type: none"> <li>• Paper 2 – Minutes</li> <li>• Paper 3 – Accessible Minutes</li> <li>• Paper 4 - Action Tracker</li> </ul>	Michael Chalmers, Chair
<b>80.</b>	15.15-15.25	UNCRC Programme Board Update. <ul style="list-style-type: none"> <li>• Paper 5 - Monthly Highlight Report</li> </ul>	[Redacted Section 38(1)], Children’s Right Unit
<b>81.</b>	15:25-15:55	SIB terms of reference (as per minutes)	[Redacted Section 38(1)], Children’s Rights Unit
<b>82.</b>	15:55-16:25	Guidance on parts 2&3	[Redacted Section 38(1)], Children’s Rights Unit
<b>83.</b>		Theory of Change report	[Redacted Section 38(1)], (the Observatory)
<b>84.</b>		A.O.B.	Michael Chalmers, Chair
<b>85.</b>		Close	Michael Chalmers, Chair





**UNCRC Strategic Implementation Board  
Thursday 30<sup>th</sup> June 2022  
3.00 – 4.30 PM**

<b>No</b>	<b>Times</b>	<b>Item</b>	<b>Lead</b>
<b>86.</b>	15:00-15:05	Welcome and Apologies	<b>[Redacted Section 38(1)]</b> , Chair
<b>87.</b>	15:05-15:10	Minutes and Actions from last meeting <ul style="list-style-type: none"> <li>• Paper 2 – Minutes</li> <li>• Paper 3 – Accessible Minutes</li> <li>• Paper 4 - Action Tracker</li> </ul>	<b>[Redacted Section 38(1)]</b> , Children’s Rights Unit
<b>88.</b>	15:10-15:20	UNCRC Programme Board Update. <ul style="list-style-type: none"> <li>• Paper 5 - Monthly Highlight Report</li> </ul>	<b>[Redacted Section 38(1)]</b> , Children’s Right Unit
<b>89.</b>	15:20-15:35	Update from targeted stakeholder engagement/Next steps	<b>[Redacted Section 38(1)]</b> , Children’s Right Unit
<b>90.</b>	15:35-15:45	SIB terms of reference <ul style="list-style-type: none"> <li>• Paper 6</li> </ul>	<b>[Redacted Section 38(1)]</b> , Children’s Rights Unit
<b>91.</b>	15:45-16:05	Theory of Change report <ul style="list-style-type: none"> <li>• Papers 7 and 8 (full report and summary paper)</li> </ul>	<b>[Redacted Section 38(1)]</b> , the Observatory for Children’s Rights
<b>92.</b>	16:05-16:25	UNCRC Programme alignment with Theory of Change <ul style="list-style-type: none"> <li>• Paper 9</li> </ul>	<b>[Redacted Section 38(1)]</b> , Children’s Rights Unit
<b>93.</b>	16:25-16:30	A.O.B.	<b>[Redacted Section 38(1)]</b> , Chair
<b>94.</b>	16:30	Close	<b>[Redacted Section 38(1)]</b> , Chair

## Document 28 – SIB Highlight report – Feb 2022

<b>Programme</b>	UNCRC Implementation Programme	<b>Programme Manager</b>	[Redacted Section 38(1)]
<b>Report Period</b>	February 2022	<b>Senior Responsible Officer</b>	[Redacted Section 38(1)]
<b>Report Date</b>	24/02/2022		

<b>Headline Comments from Programme Manager</b>	<b>Period:</b>	January - February 2022
<p>A verbal update on progress in addressing the Supreme Court judgment and bringing the Bill back to parliament via the reconsideration route will be provided at agenda item 4. Preparatory work is underway on the statutory guidance to accompany the Bill, to scope the topics for inclusion, consultation requirements and how quickly after Royal Assent this can be published.</p> <p>Specifications for the procurement of the Skills and Knowledge Framework and Innovation Fund are at a well-developed stage and timelines from procurement are being finalised. SIB members were offered a ‘deep-dive’ session on these on 22nd February. A verbal update on these sessions will be provided at agenda item 3 (programme update).</p> <p>The SG funded UNCRC Project Manager has now been appointed at the Improvement Service, to support (among other things) a review of existing self-evaluation frameworks, and a ‘working together’ space for all partner organisations supporting the UNCRC Implementation Programme.</p> <p>The Children and Young People’s Consortium ITT is now live on the Public Contracts Scotland website. This Consortium will build on the work of the Interim Consortium (Rights Right Now!) to continue to facilitate children and young people’s meaningful participation and direct representation in the UNCRC Implementation Programme and the development of policy in the Children and Families Directorate.</p> <p>The UNCRC Parents Network met last week to explore the findings from an IPSOS Mori parents survey that included questions on parents’ experiences and knowledge of UNCRC and children’s rights. The network also agreed the research questions and research participants for further research being conducted by Scottish Government and by parent organisations. This work will feed in to the design of our National Awareness Raising Campaign.</p> <p>The Scottish Public Services Ombudsman are currently recruiting for someone to lead and develop child-friendly model complaints handling procedures. First steps will involve mapping the current landscape. SIB members are invited to contact SPSO if they are interested in informing this work directly.</p>		

### SUMMARY OF KEY ACTIVITIES COMPLETED IN LAST MONTH

**Embedding Children’s Rights In Public services**  
Programme Lead – [Redacted Section 38(1)]

- **Reference Group** – The reference group met twice in January. The regular meeting reflected on progress on the Skills and Knowledge Framework, Innovation Fund, animated guidance, and plans for future guidance and reporting. An additional meeting was held to review and input on the Theory of Change work being developed by The Children’s Rights Observatory and Matter of Focus.
- **Guidance** – Feedback on the [introductory guidance \(Phase 1\)](#) published in November 2021 was sought from the Reference Group, and ADES UNCRC sub-group, and has been positive overall. Preparatory work to produce statutory guidance is underway, with consideration given to topics for inclusion, timing and consultation requirements. The Reference Group agreed to form a subgroup to provide concentrated support for this, in due course. Nominations for this subgroup are to be elicited in the next few weeks.
- **Animation** – we are producing an animation to complement and act as a child-friendly version of the introductory (Phase 1) guidance, ensuring children and young people receive the key messages/ information from the guidance in an accessible form. The guidance will go further than introducing the UNCRC, and will instead help children understand the obligations on public authorities in Scotland as they relate to their rights. It will introduce, in practical terms, the ways that public authorities should uphold the rights of children and young people. Procurement is underway and the animation, which is being coproduced with a small group of children and young people, is expected to be ready for the end of May 2022.
- **Skills and Knowledge Framework/ Innovation Fund** –We have now been assigned buyers from our procurement division to facilitate the tender process for each of these projects. Specifications for procurement are at a well-developed stage and procurement are clarifying timelines from initiation of the process to contract completion. SIB members were offered a ‘deep-dive’ session on both on 22<sup>nd</sup> February, a verbal update will be provided during the main meeting of the 24<sup>th</sup>.
- **Partnerships** – The Improvement Service have now appointed their SG funded UNCRC Project Manager who will support the National Improvement Programme. However, they have asked for a re-profiling of the grant. We are now developing a work plan with Improvement Service, and ensuring strong alignment with other public sector reform agendas; child poverty, violence against woman, trauma-informed practice, The Promise etc. The Improvement Service are also supporting with two key deliverables in the National Improvement Programme – a review of existing self-evaluation frameworks, and facilitating a ‘working together’ space for all partner organisations supporting the UNCRC Implementation Programme. They have confirmed an associate is now in place for the self-evaluation project and this will commence shortly with a projected delivery date of early April. They are also preparing Terms of Reference for the ‘working together’ group and this will be circulated to stakeholders shortly.
- **Support for public authorities** – we are designing a workforce needs analysis to better understand and tailor our response with regards to capacity building to take a child rights-based approach. During January this was scoped with key stakeholders, and we are now considering how to best sequence this work in line with the development of the Skills and Knowledge Framework.

**Empowered Children and Young People**  
 Programme Lead - [Redacted Section 38(1)]

## **Main Consortium/Rights Right Now**

- The Children and Young People's (CYP) Consortium ITT is now live on the Public Contracts Scotland website. This Consortium will build on the work of the Interim Consortium (Rights Right Now) to continue to facilitate children and young people's meaningful participation and direct representation in the UNCRC Implementation Programme and the development of policy in the Children and Families Directorate.
- The deadline for tenders is 7 March 2022. See [https://www.publiccontractsscotland.gov.uk/search/show/search\\_view.aspx?ID=FEB439529](https://www.publiccontractsscotland.gov.uk/search/show/search_view.aspx?ID=FEB439529) for more details. The moderation panel will meet on 23<sup>rd</sup> March. The main CYP Consortium contract will start on 25 April 2022.
- On 7<sup>th</sup> Feb we issued an email to the partner organisations involved in initial discussions about the CYP Consortium and Interim Consortium to provide an update on recent developments and determine the level of interest amongst this group in main Consortium membership. Nine organisations have replied to indicate that they are interested in applying for membership. The membership application will be issued following the tender submission deadline (7<sup>th</sup> March).
- We are currently considering the process through which the SIB/ wider Directorate will invite CYP Consortium to participate in specific pieces of work. We want to co-produce this process with CYP when the main Consortium is launched.
- An awareness raising through social media session was delivered with the interim consortium this month (see below).

## **Raising Awareness**

- The UNCRC Parents Network (formally the Parents Reference Group, new name to reflect the new formation and focus) met this month. The group a) reflected on the findings from the IPSOS Mori Parents Survey, which included 8 questions that asked parents about their experience of the UNCRC and children's rights b) agreed on the research questions and proposal for the deep qualitative research being conducted with parents, carers and families by the research agency JRS and c) supported the partner organisations to conduct their own research/ knowledge gathering session with parents and families and d) began a conversation exploring the key messages around UNCRC that need to be communicated to parents.  
This will all support our work delivering the National Awareness Raising Campaign.
- The findings from the IPSOS Mori Parents Survey have been analysed and shared with our partners and will shortly be published.
- Children and young people from Rights Right Now are working with our team to carry out research into the use of social media to communicate messages to children and young people. The findings of this research will support the design of the national campaign.
- We continue to lead a monthly group with colleagues and partners connected to education, who are interested in awareness raising and capacity building in relation to UNCRC. This is called the UNCRC Education Network and includes SG colleagues and Education Scotland.

## **Participation and Engagement**

- The Children's and Young Peoples Cabinet Take Over event will take place on 1<sup>st</sup> March. Themes to be discussed at this year's event include: gender equality, adults making children's rights real, and mental health and well-being.
- The ET Take-over with Children took place on Thu 2<sup>nd</sup> of February. Nine members of the Children's Parliament, aged 9 – 13, discussed the following key themes: Tackling the Climate Emergency, Dignity in Schools, Mental Health and Wellbeing, and UNCRC Incorporation / Involving children in decision-making processes. The children raised their calls to action with three members of the ET/senior leadership

(selected on the basis of the themes on the agenda): **[Redacted Section 38(1)]**– Education, **[Redacted Section 38(1)]**– Health, **[Redacted Section 38(1)]** and **[Redacted Section 38(1)]**- Net Zero.

## Children's Rights Resolutions

Programme Lead - [Redacted Section 38(1)]

### Children's Rights Scheme

- Responsibility for the CRS (part of the SG Leadership Strand) now moved to Rights Resolution along with Rights Reporting. Currently reviewing programme planning to reflect priorities.

### Child Friendly Complaints

- SPSO are currently recruiting for an Improvement, Standards and Engagement Reviewing Officer (Child-Friendly); responsible for leading and developing SPSO's approach to child friendly model complaints handling procedures. The advert has closed and interviews will take place shortly. Stakeholder mapping has now begun to provide information on the current types of complaints made that involve children and young people - including complaints made by children and young people themselves, complaints made on their behalf (with their permission) and complaints made in relation to children (but without the child's input/ permission). It will lay the foundations for strategic stakeholder engagement enabling key issues to be identified, understood and addressed in developing appropriate child friendly complaints approaches. **If members are interested in engaging themselves or are happy to share details of any of their networks, SPSO would like to hear from you. We can provide contact details.**
- Meeting with Police Scotland arranged to discuss child friendly complaints processes.

### Advocacy

- Scoping work begun on cross Scottish Government review of advocacy.

### Access to Justice

- Draft policy papers on court rules under review in the light of the Supreme Court judgment

## SG Leadership for Children's Rights

Programme Lead - [Redacted Section 38(1)]

- We have now finalised refreshes to our '20 min training tool' and CRWIA training presentation, and will be focusing on how to build these into a sustainable and strategic approach to internal capacity building over the coming months.
- To support the awareness raising of children's rights, as per Part 1 of the Children and Young People (Scotland) Act 2014, we have amended the 'optional grant letter objective' for 2022-23. This optional objective is one of many approaches used to encourage those in receipt of Scottish Government funding to become more familiar with the UNCRC and to apply it in practice via completion of a CRWIA. The grant objective for next year has been strengthened to remove confusion around the statutory basis of CRWIA.

## Document 29 – SIB Highlight report - March 2022

<b>Programme</b>	UNCRC Implementation Programme	<b>Programme Manager</b>	[Redacted Section 38(1)]
<b>Report Period</b>	March 2022	<b>Senior Responsible Officer</b>	[Redacted Section 38(1)]
<b>Report Date</b>	31/03/2022		

<b>Headline Comments from Programme Manager</b>	<b>Period:</b>	March 2022
<ul style="list-style-type: none"> <li>• Preparatory work continues in relation statutory guidance. The first meeting of the sub-group was held 15 March,</li> <li>• We are scoping the content of a Children’s Rights Scheme with the aim of it being in place for commencement.</li> <li>• Civil Court Rules policy paper currently being reconsidered in the light of the Supreme Court Ruling. Discussions on the Criminal Court Rules policy paper also taking place.</li> <li>• SPSO have now appointed a project lead who will initially be focusing on stakeholder engagement.</li> <li>• Discussions with UK Government are unlikely to result in agreement about extending our powers to incorporate UNCRC. DFM will update Parliament on these discussions</li> <li>• Deep dive sessions were held with SIB members on 22<sup>nd</sup> February. 1 page summaries of each has been issued, with views from SIB members sought by COP 18 March. Preparation for the invitation to tender is well advanced for both these products with tender specification, evaluation criteria and pricing schedules agreed.</li> <li>• Following appointment of a post holder by the Improvement Service, work is underway to ensure implementation is grounded within the current areas of reform and improvement; e.g., trauma-informed practice, poverty strategy and Fairer Scotland Duty, to ensure public authorities understand children’s rights in the wider context of their existing work. Research into self-evaluative frameworks, to assist public authorities reflect on their practice in relation to taking a child’s rights approach, is progressing with the final report and recommendations available early April. The Improvement Service will also facilitate and host a peer support network constituted of officers from across all local authorities in Scotland, to promote the further implementation of a child’s rights based approach in the design and delivery of services.</li> <li>• Draft Terms of Reference for the Working Together Leadership Group (implementation partners funded by Scottish Government) are currently being finalised and will be distributed to SIB members of the Group for comment as soon as possible. The group will support partners to share opportunities, challenges and learning from local and national implementation. We hope to convene the first meeting of this group before the end of April.</li> </ul>		

- A refreshed CRWIA training presentation is being piloted internally within SG, with positive feedback so far. This work will continue to develop as part of a sustainable and strategic approach to capacity building.
- The findings from the Ipsos MORI survey of parents is due to be published shortly. The findings have helped inform the qualitative research we are currently conducting with the research agency JRS. Focus groups and 1 to 1 interviews with parents seek to look at: the awareness of UNCRC and children rights for parents; and then to identify gaps in knowledge and understanding. The findings will help inform the National Awareness Raising Campaign to be launched in 2023.
- We are working closely with the Scottish Youth Parliament on a project to embed participation of young people in three policy areas. Learning will be shared across SG and the wider sector through podcasts, training sessions, and case studies. We are in dialogue with teams across SG to explore possible areas for the young people to work on.
- The tender deadline was extended to provide adequate time for potential suppliers to respond to further information issued as part of the Questions & Answers phase of the procurement process. The deadline has now passed and two tenders have been received. Individual panel members will evaluate through March and the moderation meeting will take place on the 29<sup>th</sup> March.



## SUMMARY OF KEY ACTIVITIES COMPLETED IN LAST MONTH

### Children's Rights Resolution

Programme Lead – [Redacted Section 38(1)]

#### Children's Rights Scheme

Together's State of Children's Rights Report disseminated across Scottish Government.

We are progressing plans to deliver a Children's Rights Scheme with the aim of it being in place for commencement. We will engage with SIB members on this as the work develops.

We are working with colleagues across Scottish Government to contribute to the UK-wide response to the UN Committee on the Rights of the Child's List of Issues Prior to Reporting. The UK Government will forward the finalised UK Report to the UN Committee in June. We will prepare a comprehensive Scottish Government Position Statement in relation to the LOIPR over the summer.

#### Advocacy

Work continues on scoping an internal mapping exercise on advocacy policy and an external mapping exercise on advocacy practice.

#### SG Grants

SG Grants relevant to the Rights Resolution strand undergoing review to make sure outcomes align with the priorities of the implementation programme/ Human Rights of children Action Plan 2021-24.

### Embedding Children's Rights In Public services

Programme Lead – [Redacted Section 38(1)]

Preparatory work continues in relation statutory guidance. The first meeting of the sub-group was held 15 March, where governance, ways of working and purpose was established. The group agreed the priority for development was a tool to support the review/ assessment of compatibility.

We are currently considering how best to increase communication with public authority stakeholders to provide regular updates in relation to the UNCRC Implementation Programme, which will include updates on remedial work for the UNCRC Bill, and support for public authorities preparing for commencement ahead of remedial work. This will include updates in relation to reporting duties of listed authorities within the Children and Young People (Scotland) Act 2014, and s.15 of the UNCRC Bill.

SIB members should now note that following an SSI being approved by Parliament last night, the Coronavirus (Extension and Expiry) (Scotland) Act 2021 will allow public authorities to delay publication of reports, in certain circumstances, until 30th September 2022. These provisions were previously due to end 31<sup>st</sup> March 2022. Reports continue to be due as soon as practicable, and public authorities wishing to delay reports using these provisions should publish a statement to that effect.

### **The Embedding Children's Rights in Public Services Reference Group**

The group met once in March. Updates on all key initiatives within the Embedding strand of the Programme were discussed and feedback taken from the group. The substantive item on the agenda was an update on the first meeting of the guidance sub-group, formed of members from the Reference Group. The sub-group discussed the scope and expectations of guidance, with members expressing they felt a tool to assist public authorities in assessing their compatibility with the UNCRC (as required by the Bill) was the priority. SG agreed to return to the April meeting with an options paper for Part 2 and 3 guidance, including consultation, and a draft compatibility tool.

#### **Animation**

We are producing an animation to complement and act as a child-friendly version of the introductory (Phase 1) guidance. The tender process is now complete and a supplier has been appointed (contract to be returned). Completion of the final version of the animation is scheduled for end May 2022.

### **Empowered Children and Young People Programme Lead – [Redacted Section 38(1)]**

#### **Participation and Engagement in Decision Making**

The annual Cabinet meeting with Children and Young People took place on 1<sup>st</sup> March. First Minister hosted the event, with the following topics raised in discussion: UNCRC Incorporation and Implementation, Children's health and wellbeing, Gender equality in schools, Gender recognition Reform, Safety of women and girls in public places, Assisted dying, Drug Misuse, Education, and Climate Change.

Rights Right Now! final session/ celebration event took place on Saturday 19<sup>th</sup> March. Children and young people have requested certificates to mark their participation in Rights Right Now! These will be issued at the celebration event. DFM recorded a short video of thanks which was shown at the event. An evaluation report including learning from RRN! will be shared by Together in April/May. This will be invaluable to moving forward with Main Consortium.

We are working closely with the Scottish Youth Parliament on a project to embed participation of young people in three policy areas. Learning will be shared through across SG and the wider sector through podcasts, training sessions, and case studies. We are in dialogue with teams across SG to explore possible areas for the young people to work on.

9 Members of the Children's Parliament (MCPs) met with Executive Team (ET) members on 2 February. We are working towards a full meeting of ET with Children's Parliament in the coming months.

Work is being undertaken to finalise Actions from the Children and Young People Cabinet Event – which will be published in due course.

To complement the research findings from JRS, members of the UNCRC Parents Network will be supported to gather knowledge of parents' understanding of the UNCRC. A collaborative platform (Basecamp) has been developed for members of the UNCRC Parents Network to share learning, disseminate information, and collaborate on key messages.

### **Consortium**

The interim consortium awareness raising subgroup have met to plan their social media research project. The young people are now gathering information from friends and families about what makes an effective campaign for children and young people, what stands out and why, and current examples. These findings will help inform the approach adopted for the National campaign in 2023.

The tender deadline was extended to provide adequate time for potential suppliers to respond to further information issued as part of the Questions & Answers phase of the procurement process. The deadline has now passed and two tenders have been received. Individual panel members will evaluate through March and the moderation meeting will take place on the 29<sup>th</sup> March.

Eleven organisations involved in the earliest CYP Consortium discussions (those taking place in Spring/ Summer last year) have expressed interest in Main Consortium membership. This information will be shared with the successful tender organisation.

Awareness Raising Subgroup underway – this will be a useful example of effective collaboration and identify processes that support children and young people's meaningful participation. The purpose of this group is to support young people to carry out research into the use of social media amongst their peer group. The data collected will inform the national awareness raising campaign in 2023.

**Document 30 – Email to SIB with draft minutes and SYP presentation – 07/03/23**

**From:** [Redacted Section 38(1)]

**Sent:** 07 March 2023 14:50

**Subject:**

Dear UNCRC SIB members,

Please find attached the draft minutes of the meeting on Tuesday 28 February. We would be grateful if members could submit requests for amendments to the minutes by **Friday 17 March 2023**, as these will be uploaded to the SIB webpage shortly thereafter.

Also attached is the presentation from the Scottish Youth Parliament on how they contribute to the UNCRC implementation programme.

If you have any questions, please don't hesitate to get in touch.

Best wishes,

**[Redacted Section 38(1)]**

**[Redacted Section 38(1)]** UNCRC Programme Assistant | Embedding Children's Rights in Public Services | Children's Rights Unit  
Scottish Government | Area 2B South | Victoria Quay | Edinburgh | EH6 6QQ



# Who we are



[REDACTED]  
SYP'S PROJECTS  
TRUSTEE



[REDACTED]  
SYP'S UNCRC PARTICIPATION  
MANAGER

# About SYP

SYP is the democratic voice of Scotland's young people. Our vision for Scotland is of a nation that actively listens to and values the meaningful participation of its young people.



# Why participation?



1

It's not a gift or a favour,  
it's a right

2

Article 12 underpins the  
UNCRC - meaningful  
participation is needed to  
uphold other rights

3

*"Nothing about us, without  
us"*

“

When young people understand and know their rights and their value and power, supported by law.. it gives them power to stand up for themselves and say "no, you're not meeting my needs".

”





**What does Article 12 of the  
UNCRC mean to you?**

**With Members of SYP's The  
Right Way project**



# Why now?



1

UNCRC incorporation

2

Young people told us too much engagement is tokenistic or non-existent

3

Need for young people's rights protection as great as it's ever been.





# The Right Way project

# The Right Way Project



Research with  
Scot Gov policy  
areas

Civil servants  
Shadowing MSYPs &  
Youth-led training

Supporting  
participation  
work

Participation  
framework & web  
hub

# Mini research projects



1

Young people chose three policy areas, with differing participation challenges

2

Looking into participation, not policy

3

Research including focus groups and surveys.



# Shadowing & training



1

About ensuring leaders understand the process

2

Executive Takeover event crucial

3

In March, we have around 20 officials, including DGs in Shadowing and/or in training sessions





Home

About Us

Resources

Opportunities

Experiences

# Participation Resources



ARTICLE 12

## Fake Post

MSYPs from The Right Way project explain what the United Nations Convention on the Rights of the Child



CASE STUDIES

## Fake Post

The Right Way to do participation varies greatly case by case. Here are some brilliant examples for



AIM

## Fake Post

Ask if your participation plan is Accessible, Inclusive, and Meaningful using our AIM resource.

# Accessible Participation



- I have provided all necessary background information for young people attending, at least 48 hours in advance.
- I have offered young people a meeting beforehand to discuss questions/concerns.
- All documents/presentations are made using good practice accessibility requirements.
- I have identified an accessible location for engagement, including a safe/quiet space.
- I have asked and accounted for everyone's individual accessibility requirements.
- All videos have captions and autocaptions are turned on for online meetings.
- When sharing details on social media, all videos / graphics / posts are following #AssessYourAccess good practice.
- I have created a youth-friendly version of any materials or reports that summarises the key information clearly in a way that is suitable to all audiences.





How it fits in



Children and young people  
meaningfully participate in  
policy-making

System grows from positive  
and negative experiences  
and challenge

Awareness of UNCRC raised  
amongst policy makers

Duty bearers take proactive  
steps to ensure compliance

System grows from positive  
and negative experiences  
and challenge



What's next?

# Support and challenge

1

Web hub to be published in March

2

Participation and rights champions

3

Consider how we continue to challenge tokenism and support good practice





**Thank you!**  
**Any Questions?**

**Document 31 – email to SIB re: innovation fund – 05/05/22**

**From:** [Redacted Section 38(1)]  
**> On Behalf Of** UNCRC Incorporation  
**Sent:** 05 May 2022 16:46  
**Cc:** [Redacted Section 38(1)]

**Subject:** Seeking member input for the UNCRC Innovation Fund

Sent on behalf of [Redacted Section 38(1)], Programme Lead for Embedding Children's Rights in Public Services

Dear SIB members,

I am writing today to follow-up on an action assigned to myself under item 8 of the 31 March 2022 meeting of the SIB. I provided an overview of the feedback received from members to date in relation to the Skills and Knowledge Framework, and the Innovation Fund. Following two 'deep-dive' sessions, and circulation of a '1 page' note, we received invaluable input from members and were able to strengthen and reinforce aspects of the procurement for both. As advised during the meeting, there were no outstanding points of feedback in relation to the Skills and Knowledge Framework, and as previous correspondence, I am happy to confirm the invite to tender for this was launched on 13<sup>th</sup> April 2022.

Whilst we work towards the launch of the invite to tender for the Fund, we are keen to have member input into one area of feedback. An item regarding the Fund has been tabled for discussion during the 26 May 2022 meeting of the SIB. For clarity, seeking further input will not delay the launch of the invite to tender. The practicalities of the Fund, such as eligibility criteria will be finalised once a 'Fund Administrator' is in place.

With regards the Fund, member feedback in relation to the following has been resolved and we are not seeking further input from members at this time:

- Role of children and young people to influence the application and decisions
  - The tender specification addresses the role of young people from two aspects: firstly, in terms of their involvement in the application process, and if successful, the implementation of the funded project, and secondly, with regards the administration of the Fund itself, e.g., involvement in creation of the scoring framework, assessment of applications, role in monitoring and evaluation. Whilst we are unable to go into too much detail on how this will be assessed as part of the tender process, we can confirm it will form an element of the scoring and evaluation framework.
  
- Eligibility – who is able to apply, and in what capacity.
  - Members expressed an overall preference for public authorities to be the focus of the Fund, and gave support for public authorities or partnership arrangements led by a public authority to be the lead applicant. In recognition of applications where a third sector partner may be working with a number of public authorities, or for other

reasons, it was felt they too should be eligible to apply as the lead applicant. There was minimal support to open the Fund out to private organisations. Both public and third sector organisations will be eligible to apply, in any capacity. Scottish Government will work with the appointed supplier, once in place, to ensure this is captured in the eligibility criteria and the scoring framework and we will manage the demand on the Fund by making it explicit in what capacity we expect to receive and fund applications. Private organisations will not be eligible to apply as the lead organisation, but will be able to apply as part of a partnership bid.

We are however seeking feedback in relation to the following:

- Targeting of the Fund
- A clear preference from members in relation to whether the Fund should only award grants where a project was ‘targeted at those furthest from their rights’ was not evident, with a spectrum of views being expressed. Further discussion on this point is welcomed. Member opinion was divided between the Fund accepting applications which were more general in nature, but with greater weighting of scoring for those which did target particular groups of children, or to exclude applications completely were this not the case. It was clear from feedback however that some element of supporting applications to take a targeted approach would be welcomed by everyone.
- The overall aim of the Fund is to support the embedding of a child rights based approach, and currently, criteria for funding is aligned to the UNCRC Implementation Programme and the Theory of Change. These are set out below:

External drivers of change identified in the UNCRC Implementation Programme

- Children experience everyday accountability in public services, children can get resolution of rights issues quickly
- Children are treated equally and participate in decisions that affect them on an ongoing basis
- Public Service leaders listen and understand children’s rights and their lived experiences
- Public Services direct the “maximum extent of their available resources” towards implementation of children’s rights

The four key change processes for UNCRC implementation with the Observatory Theory of Change

- Policy adaptation, coordination, administrative integration and budgetary consideration
  - Building cross-sector capacity and capability to integrate rights-based ways of working
  - Changing attitudes, norms, values and everyday actions
  - Ensuring a system of information, advocacy, complaints, redress and effective remedy for children and young people
- 
- We are keen to understand from members how a targeted approach would affect the criteria as currently envisioned. To be considered as ‘targeted’ would a project have to directly involve, or be aimed at a particular group of children? If it has to involve or be aimed at them, what is the ultimate outcome, is it to improve access of rights to those particular groups? Would it be sufficient for an application to show

how they will apply learning to further protect, respect and fulfil the rights of particular groups?

- Do members have views on which groups of children the Fund should consider as being ‘furthest from their rights’?
- We are aware that Together, within their State of Children’s Rights in Scotland 2022 report include the following children in that category - disabled children, children from minority ethnic backgrounds, Gypsy/Traveller, migrant, asylum-seeking, refugee, Care Experienced, part of the LGBTQI+ community, girls and young women. The Children and Families Collective Leadership Group, in response to the pandemic in 2020 developed a list of children considered most vulnerable, which in addition to the above (with the exclusion of LGBTQI+, girls and young woman) included *Children and young people at risk and receiving support from more than one agency - including CYP who had a child protection investigation in 2021/22 (and might be deemed to be either in care or ‘on the edge of care’); who are on the child protection register; and who are looked after; Children and young people with complex additional support needs; Children and young people affected by poverty and deprivation (including receipt of free school meals)* .
- If a list of groups were to be drawn from these sources, would that be sufficient for the purposes of targeting the Fund and how might this affect the overall aim?

We ask SIB member to consider the above, and to take part in a discussion regarding these points during the May meeting of the SIB. We are also happy to take views via email or separate discussion if preferred.

Sincerely,

**[Redacted Section 38(1)]**

**[Redacted Section 38(1)]**

**| Programme Lead | Embedding Children’s Rights in Public Services | Children’s Rights Unit**

**Children and Families Directorate | Scottish Government**

Office: ~~0131 243 8809~~ | Mobile: ~~07880001641~~ | Area 2B South Victoria Quay, Edinburgh EH6 6QQ

My working hours are: Mon – Thurs (8.00am – 5.45pm)

Do you take a rights based approach? If you would like to learn more about children’s rights and child rights and wellbeing impacts assessments (CRWIA), take the [20 minute training course](#) If you would like to involve children and young people in decision-making, take a look at our [guide to children and young people’s participation](#).



**Making Scotland the best place to grow up**

[www.gov.scot/childrenandfamilies](http://www.gov.scot/childrenandfamilies) | [@girfec](https://twitter.com/girfec) | [#bestplacetogrowup](https://twitter.com/bestplacetogrowup)

[www.scotland.gov.uk/girfec](http://www.scotland.gov.uk/girfec)



## Document 32 –Draft paper for targeted engagement on approach to addressing Supreme Court challenge - for sharing with SIB IN CONFIDENCE

### INCORPORATING THE UN CONVENTION ON THE RIGHTS OF THE CHILD INTO SCOTS LAW: TARGETED ENGAGEMENT ON PREFERRED APPROACH TO ADDRESSING THE SUPREME COURT JUDGMENT ON THE UNCRC (INCORPORATION) (SCOTLAND) BILL

#### Introduction

In March the Scottish Parliament unanimously passed the UNCRC (Incorporation) (Scotland) Bill (the UNCRC Bill) to incorporate the UNCRC into Scots law to the maximum extent possible within the powers of the Scottish Parliament.

The intention behind the UNCRC Bill was and still is to deliver a proactive culture of accountability for children's rights across public services in Scotland. The Bill, when enacted, will require Scotland's public authorities to take proactive steps to ensure the protection of children's rights in their decision-making and service delivery and make it unlawful for public authorities, including the Scottish Government, to act incompatibly with the UNCRC requirements in the schedule of the UNCRC Bill. Children, young people and their representatives will also have the ability to use the courts to enforce those rights.

The Scottish Government remains committed to delivering UNCRC incorporation to the maximum extent possible. However, we must do that while also addressing the areas found by the UK Supreme Court to be outwith competence of the Scottish Parliament and avoiding further challenge. The purpose of this targeted engagement is to explain and seek views on the preferred approach to incorporation, in light of the Supreme Courts' judgment, and help make sure that we get that balance right.

#### Supreme Court judgment

On 12 April 2021 the Attorney General and the Advocate General for Scotland (the UK Government's Law Officers) referred to the Supreme Court certain provisions of the UNCRC Bill to determine whether they were within the legislative competence of the Scottish Parliament.

The provisions referred to the Supreme Court were:

- Section 6, which sets out the **compatibility duty** which would make it unlawful for a public authority to act in a way that is incompatible with the UNCRC requirements, or to fail to act in a way that is compatible with the UNCRC requirements. This section provides a non-exhaustive definition of "public authority" .
- Section 19, which would set out an **interpretation duty** which introduces an obligation, so far as possible, to interpret certain types of legislation compatibly with the UNCRC requirements.
- Section 20, which would set out a **remedial power** to allow a court to strike down certain kinds of legislation if it finds that legislation to be incompatible with the UNCRC requirements. Legislation would only be susceptible to being struck down under section 20 if

it is legislation that it would be within the legislative competence of the Scottish Parliament to make and it was enacted before the day on which section 20 came into force. A strike down declarator would have the effect that, from the point at which it is struck down, the legislation no longer forms part of Scots law. It would not, however, be treated as never having formed part of Scots law and so anything lawfully done under the legislation before it was struck down is not rendered unlawful retrospectively.

- Section 21, which would set out an **incompatibility declarator power** to allow a court to declare certain legislation to be incompatible with the UNCRC requirements. The legislation in respect of which an incompatibility declarator can be made is legislation that is within the competence of the Scottish Parliament but cannot be struck down under section 20 because it is enacted on or after the day that section came into force. The effect of an incompatibility declarator is simply to state the incompatibility. An incompatibility declarator would trigger the Scottish Government's duty to make a statement to the Scottish Parliament under section 23. Legislation declared to be incompatible with the UNCRC requirements under this section would remain the law unless and until legislative action is taken in relation to it.

A hearing before the UK Supreme Court took place on 28 and 29 June 2021. On 6th October, the UK Supreme Court gave its judgment on the UNCRC Bill. The judges unanimously decided that the four sections of the UNCRC Bill outlined above go beyond the powers of the Scottish Parliament set out in the Scotland Act 1998.

The judgment ruled that:

- The compatibility duty in section 6 of the UNCRC Bill was drafted too broadly and in a way that meant it could apply to authorities acting in reserved areas. This was therefore considered to be outside the legislative competence of the Scottish Parliament, because it would modify section 28(7) of the Scotland Act (the section that provides that devolution "does not affect the power of the Parliament of the United Kingdom to make laws for Scotland").
- Section 19 of the UNCRC Bill would also impermissibly modify section 28(7) of the Scotland Act, by giving Scottish courts the power to interpret UK Acts in ways the UK Parliament did not intend; this too would affect the powers of the UK Parliament to make laws for Scotland.
- The strike down and incompatibility declarator powers of the Scottish courts in sections 20 and 21 of the UNCRC Bill could have been used on laws passed by the UK Parliament which, although within the devolved power of the Scottish Parliament to amend, cannot be subject to such judicial powers as that would again modify section 28(7) of the Scotland Act.

## **Addressing the Supreme Court judgment by requesting an order to amend the Scotland Act**

[Ministers may wish us to pursue this in tandem – to be explained if that's the case]

## **Preferred legislative route to addressing the Supreme Court judgment**

To allow us to incorporate the UNCRC to the fullest extent possible as soon as practicable, our preference is to address the Supreme Court's judgment by returning the UNCRC Bill to Parliament via the Parliamentary 'Reconsideration Stage'.

A Reconsideration Stage may take place where the Supreme Court has decided upon a reference made to it by Law Officers under section 33 of the Scotland Act. Reconsideration is only possible where the referred Bill has been judged by the Court to be outwith competence. Reconsideration Stage is “*for the purpose of resolving the problem which is the subject of the reference*”. This limits the nature of amendment that can be made during Reconsideration Stage. After a reference has been decided, the Member in charge of a Bill may propose that the Parliament should reconsider the Bill.

Current Standing Orders limit amendments at Reconsideration Stage to “fixing the incompetent provisions” and so by using this route, we would be strictly limited to addressing the judgment of the Supreme Court. In considering amendments to the UNCRC Bill at Reconsideration Stage, the Scottish Government therefore has to balance the need to (i) address the Supreme Court’s judgment and bring the legislation within the legislative competence of the Scottish Parliament; (ii) strictly limit amendments to fixing the incompetent provisions; and (iii) deliver the commitment to incorporate the UNCRC into Scots law to the maximum extent possible.

### **Suggested amendments at Reconsideration Stage**

#### The compatibility duty

To fix section 6 we propose to expressly limit the “compatibility duty” to devolved matters (i.e. devolved functions and devolved bodies that are not reserved by the Scotland Act). This would mean that - provided a public authority is exercising a devolved function - the compatibility duty would apply regardless of whether it was being delivered under an Act of the Westminster or Scottish Parliament.

Our assessment is that this fix would address the legislative competence conclusions of the Supreme Court and would be unproblematic in terms of admissibility under the Standing Orders.

We had to consider whether, as a result of the judgment, the application of the compatibility duty would need to be restricted to functions (including subordinate-legislation making functions) conferred by an Act of the Scottish Parliament (ASP). As well as significantly limiting the ability to deliver Ministers’ underlying policy of protecting children’s rights, that would have made the resultant legislation complicated to operate for public authorities (as duty bearers) and children and their representatives (as rights holders). We are keen to minimise the need for users of the legislation (if and when the UNCRC Bill is commenced) to have to assess whether the service they are engaged with has its statutory basis in an ASP or a UK Act, in order to know whether the compatibility duty applies. However, after careful consideration, we are clear that it is within competence to apply the compatibility duty to devolved functions irrespective of whether those are conferred by an ASP or a UK Act.

This requires that provision equivalent to section 6(2) of the Human Rights Act 1998 be added into the UNCRC Bill. This is to ensure that a public authority would have a defence should their incompatible exercise of a function be mandated by a UK Act.

Although we are not aware of any UK Acts that mandate a UNCRC incompatible exercise of a devolved function, if we were to become aware of this, Scottish Ministers could either propose an amending ASP or, where there are compelling reasons to do so, use the section 32 remedial regulation making power in the UNCRC Bill to address this.

It is worth highlighting that if the function is exercised incompatibly simply due to the public authority's discretion, the section 6(2) defence would not apply and so the breach would be capable of being addressed directly by the courts.

We are content that the real-world impacts of such an amendment on the policy objectives of the UNCRC Bill are minimal and consider that the addition of this defence is a necessary step in ensuring the amended UNCRC Bill is safely within competence.

### **Questions**

***Do you agree that this fix would have a relatively minimal impact on the policy objectives of the UNCRC Bill?***

***Are there any issues you foresee in operating such a refined compatibility duty?***

### Interpretative duty and remedial powers

To fix sections 19 to 21, we propose to remove UK Acts from the application of the interpretative obligation and the strike down and incompatibility declarator remedies (but to retain application to ASPs). We are clear that such a repealing amendment would be within competence and would comprehensively address the reasons why the Court found these sections to be outwith competence. As such, it would be within scope in terms of the Parliament's Standing Orders.

The removal of UK Acts from the scope of sections 19-21 will mean that enactments such as the Education (Scotland) Act 1980 and the Children (Scotland) Act 1995 will be excluded from the interpretative and remedial provisions, even though they principally concern matters on which the Scottish Parliament could (and frequently does) legislate. This is a disappointing dilution of the effect of the UNCRC Bill, however this need not significantly limit the ability to deliver Ministers' underlying policy of protecting children's rights. This is because the Scottish Parliament already has the power to amend or repeal devolved legislation, including where that takes the form of a UK Act. Removing UK Acts from the scope of sections 19-21 would mean that, while Scottish courts would not have powers regarding any incompatible UK Act, remedial action could still be undertaken by the Scottish Parliament.

The existing provisions of the UNCRC Bill (which under all proposals would be retained) already allow for the Scottish Ministers to review existing devolved legislation (both UK Acts and ASPs) for compatibility with the UNCRC requirements and to report to Parliament, and also allow the Scottish Ministers to lay remedial legislation to address incompatibilities in such devolved legislation before the Scottish Parliament for approval. Sections 11 and 13 of the UNCRC Bill place a

duty on Scottish Ministers to make, and report to Parliament on the operation of, a Children's Rights Scheme setting out the arrangements that are in place, or are to be put in place, by the Scottish Ministers to ensure that they do not act in a way which is incompatible with the UNCRC requirements.

### **Question**

***What impact do you think the fixes outlined above would have on the policy objectives of the UNCRC Bill?***

***What, if any, gaps in rights protection do you foresee if the Scottish Parliament proceeds to pass a revised UNCRC Act at reconsideration stage using the fixes outlined above?***

### **Next steps and likely timescale for reconsideration**

There has never been a Reconsideration Stage in the Scottish Parliament and so this would be novel for the Parliamentary authorities as well as the Scottish Government. As such, the duration of Reconsideration Stage is difficult to predict.

The Parliamentary guidance notes that, other than the above differences, proceedings are similar to those at Stage 3 of a Bill. Once amendments have been disposed of, the Bill may be further debated before Parliament decides whether to approve the Bill with a simple majority.

A Bill approved after reconsideration is again open to legal challenge by the Law Officers or the Secretary of State under the Scotland Act in exactly the same way as it was after it was first passed.

## Document 33 – SIB Highlight Report – May 2022

<p><b>Programme Description:</b> This is a three-year programme to further embed the UNCRC into policy and practice in Scotland and deliver the provisions in the UNCRC (Incorporation)(Scotland) Bill.</p>	<p><b>Reporting Period:</b> May 2022</p>	<p><b>Overall RAG Status: RED.</b> To reflect the delay to the UNCRC Bill receiving Royal Assent.</p>
<p><b>Progress Past Month</b></p>	<p><b>Priorities Next Month</b></p>	
<ul style="list-style-type: none"> <li>• Secured clarity from UK Government about potential for extending our powers to incorporate UNCRC.</li> <li>• First draft of the Theory of Change for Making Rights Real received and comments provided.</li> <li>• Produced Terms of Reference for the Working Together Leadership Group (implementation partners funded by Scottish Government), and distributed for comment.</li> <li>• The Improvement Service conducted stakeholder discussions to better understand public authority readiness, and shared a headline summary with the Embedding Reference Group and Guidance sub-group to inform our programme of support for public authorities to take a child’s rights based approach, as well as our approach to statutory-guidance.</li> <li>• Work has begun under SG Leadership to review the CRWIA template and guidance, to ensure it supports duties on Scottish Ministers as set out in the UNCRC Bill.</li> <li>• Assessment of tenders for the new Consortium.</li> <li>• Issued invite to tender for Skills and Knowledge Framework and Innovation Fund.</li> <li>• Third meeting of the guidance sub-group where overview of Guidance requirements &amp; priority topics for inclusion were presented and discussed</li> <li>• Began internal mapping exercise on advocacy policy and progressed the work on external mapping of practice.</li> <li>• Progressed work on the Children’s Rights Scheme</li> <li>• Worked with UK Government and colleagues across SG on UK response to LOIPR</li> </ul>	<ul style="list-style-type: none"> <li>• Provide stakeholders with clarity on proposals for fixing the UNCRC Bill in response to the Supreme Court judgment.</li> <li>• Sections of statutory guidance for Part 2 and 3 of the UNCRC Bill that are not dependent on remedial action are in progress.</li> <li>• Assessment of tenders and identification of preferred tenderer for the Framework and Innovation fund.</li> <li>• Second draft of options for compatibility review tool to assess UNCRC compatibility to be shared with Guidance Subgroup at June meeting. Review of the CRWIA as part of the Children’s Rights Scheme arrangements to be completed in August.</li> <li>• Invitations to be sent to stakeholders for the new UNCRC Comms Network</li> <li>• Agree a draft structure for a Parents booklet with the Parents/Carers/Families network to ensure direct messaging to parents. Publication of booklet is due in October</li> <li>• Reissue the Spec for the Consortium</li> <li>• Collate and consider responses to the internal advocacy mapping exercise</li> <li>• Continue to progress work on the Children’s Rights Scheme</li> <li>• Meet with SPSO project lead to discuss programme and timeframe for delivery of project on child friendly complaints processes</li> <li>• Finalise SG content in UK response to LOIPR – to be submitted in June</li> <li>• Continue to draft SG position statement on LOIPR</li> <li>• Final report from the Theory of Change work.</li> </ul>	

- Redrafted Criminal Court rules paper, as far as possible while we await the fix to the Bill.
- Publication of findings on awareness of UNCRC from the Ipsos MORI survey of parents
- Cabinet Take-Over report from 2021 published and Cabinet Take-Over Commitments 2022 agreed. This work ensures a strategic commitment in SG ensuring CYP are participating in decisions that affect them.
- Agreed to establish a new UNCRC Communication Network to bring key stakeholders with a remit for UNCRC comms together to share and plan for a National Campaign. The Theory of Change project outputs (full report, summary, interactive report and four evidence papers) are now near final. They can be shared with the SIB next week (w/c 23<sup>rd</sup>). The Observatory plans to make them public in late May/early June.
- The project team has been having conversations on taking the Theory of Change forward to inform implementation. Of particular notice are the discussions with Public Health Scotland and the Improvement Service on using the TOC to create action plans for UNCRC implementation, with PHS interested in this in particular. This might then be turned into a case study to provide an example to others wishing to do the same. Engagement over the five months of the Theory of Change project have also strongly highlighted the need to urgently delve deeper into the complex question of developing effective children's rights indicators for Scotland to monitor the implementation of the UNCRC, in harmony with existing indicators.

Progress Against Planned Outputs in the programme plan for next 12 months		
Output	Target Date	RAG Status and Updates
Develop a 'theory of change' for delivering children's rights-based approach so that we have a route-map that has been agreed with stakeholders.	31/03/2022	Draft report due at the end of March. Expected 19 May.
UNCRC Bill gets Royal Assent	As soon as practicable	Deputy First Minister to update Parliament as soon as we are in a position to do so.
SG policy advice submitted to the Scottish Civil Justice Council and Criminal Courts Rules Council on amendments to court rules which may be required to enable provisions of the UNCRC Bill, which relate to the function of the courts.	As soon as possible after the fix to the Bill has been agreed	Civil Court rules paper drafted as far as possible but will be finalised between Parliament passing the Bill and Royal Assent. Criminal Court rules paper reviewed but will require further consideration.
Publication of Statutory Guidance on UNCRC Part 2 for duties on public authorities.	At a minimum 4 months from Royal Assent (RA) but may require up to 6 months depending on nature of the consultation.	Preparatory work continues but need clarity of final duties in the Bill. The third meeting of the sub-group was held on 10 May.
Publication of Statutory Guidance on UNCRC Part 3 for public authorities (reporting requirements).	As above	As above
Publication of first Children's Rights Scheme	Prior to commencement of the duties in the Bill	Progressing work on content . Planning and timetable subject to Bill progress.
Consortium in Place	31/04/2022	Bids now received. Procurement process of marking and finalising complete. The process of awarding the contract was delayed due to a period of clarification. No bids were awarded. The Spec will be reissued which will result in a delay to it's commencement.
Production of guidance for wider sector on how to make products accessible for children and young people.	30/05/2022	Agreed to adopt and raise further awareness of the EU guidelines.
Launch of animated version of Phase 1 Guidance that was published in Nov 2021.	30/06/2022	Work underway.
Publication of comprehensive Scottish Government Position Statement on the UN Committee's List of Issues Prior to Reporting (LOIPR).	August - September 2022	Work underway.



Launch an Innovation Fund in June 2022, open for applications as soon as practicable thereafter.	June-September 2022 (subject to procurement timetable)	ITT went live in May, projected contract start-date is mid-late July, and expect applications to open around Oct/Nov
Publication of annual progress report on the Progressing the Human Rights of Children in Scotland: An Action Plan 2021-2024	20/11/2022	Work Underway
Good practice examples and guidance on participatory and children's rights-based budgeting for Scottish Government	31/11/2022	[Redacted Section 38(1)] to join the Unit in June to support this work
Prepare for UN Committee examination of UK State Party	Date for examination not yet confirmed. Potentially in December 2022 or May 2023 dependent on timing of submission of UK Report vs others and UN Committee time-tabling	Work to commence following submission to UN Committee on the rights of the Child of UK-wide response to LOIPR and publication of Scottish Government Position Statement
Launch national media campaign to raise awareness of UNCRC	As soon as practicably possible after Royal Assent	The national campaign can't happen until 2023 due to allocation of funding. However, we have initiated its creation by establishing networks to generate the key messages and build unity. We have our parents network who are creating a booklet specifically aimed at parents/carers/families. We have sent invitations to stakeholders to establish a Comms network for people who have a remit from UNCRC marketing/comms. When the Consortium is established we will have a CYP comms subgroup. Young Scot have agreed to run a week of comms around UNCRC in November leading to World Children's Rights day. We will build events around their week. Finally, RRSA award will be offered to all primary and secondary schools to raise awareness with CYP.
Scottish Public Services Ombudsman produces guidance on child friendly complaints and creates child friendly materials and a self-assessment tool. To be implemented under SPSO's model complaints handling.	31/03/2023	[Redacted Section 38(1)] has been appointed as Project Lead. A full project plan, including timeline is likely to be approved within the next few weeks.

Map current advocacy policy and practice	Internal exercise completed July/ August 2022. External exercise – date to be confirmed	Internal mapping exercise commissioned. Discussions underway on external exercise
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## Document 34 – SIB Highlight Report July 2022

<p><b>Programme Description:</b> This is a three-year programme to further embed the UNCRC into policy and practice in Scotland and deliver the provisions in the UNCRC (Incorporation)(Scotland) Bill.</p>	<p><b>Reporting Period:</b> July 2022</p>	<p><b>Overall RAG Status: RED.</b> To reflect the delay to the UNCRC Bill receiving Royal Assent.</p>
<p><b>Progress Past Month</b></p>	<p><b>Priorities Next Month</b></p>	
<ul style="list-style-type: none"> <li>• Ministers instructed amendments to the UNCRC Bill in line with the proposed fixes shared in the targeted stakeholder paper.</li> <li>• Initiated targeted consultation with stakeholders on options to transition Children’s Rights Reporting from the Children and Young People (Scotland) Act 2014 to the UNCRC Bill – closing first week of August.</li> <li>• Explored procurement options and next steps due to the lack of bids for the Innovation Fund.</li> <li>• Have informed successful ITT bidder on the outcome of their application, with contract signed for the Skills and Knowledge Framework contract on 26-07-22.</li> <li>• Continued work on sections of statutory guidance for Part 2 and 3 of the UNCRC Bill that are not dependent on remedial action.</li> <li>• Undertook improvements as per previous review of the internal CRWIA as part of the Children’s Rights Scheme arrangements – for use by SG only.</li> <li>• Coordinated 2<sup>nd</sup> edition of the ‘Programme Update’ to a wide range of stakeholders, including public authorities, for an August issue.</li> <li>• Produced the first version of the animated guidance, including voiceovers by CYP.</li> <li>• Scoping of options to ensure that CYP are engaged in the UNCRC programme, following unsuccessful attempt to procure the Consortium. Given procurement timescales, unlikely to have a contract in place before April 2023 so we are considering how to</li> </ul>	<ul style="list-style-type: none"> <li>• Drafting of amendments to the UNCRC Bill..</li> <li>• Engagement with the Office of the Advocate General to alert them to the timetable for sharing amendments with them so that UK Government can alert us to any remaining concerns.</li> <li>• Discussion with parliamentary clerks to establish if and how parliamentary committees wish to be engaged at Reconsideration Stage.</li> <li>• We will re-engage with LPPO, and SCJC on civil court paper on changes to court rules required for UNCRC implementation</li> <li>• Analyse responses from stakeholders on options to transition Children’s Rights Reporting from the Children and Young People (Scotland) Act 2014 to the UNCRC Bill.</li> <li>• Share options paper with the Guidance Reference Group on how SG could use Children’s Rights Reports, submitted under the UNCRC Bill, to provide analysis of sector progress, identify emerging issues where further support may be required and share learning/good practice</li> <li>• Progress scoping to inform the redevelopment of the Innovation Fund spec, with a view to having contract go-live by April 2023.</li> <li>• Kick-off meeting and communicate successful appointment of supplier for Skills and Knowledge Framework.</li> <li>• Continuing to draft Part 2 and 3 statutory guidance, and progress plans for statutory consultation.</li> <li>• Developing updated internal Scottish Government Children’s Rights and wellbeing impact assessment (CRWIA) guidance.</li> <li>• Completion/ launch of the animation project to support the non-statutory guidance on children’s rights.</li> </ul>	

<p>ensure the strategic participation of CYP, across DCAF and the Programme, continues in the meantime.</p> <ul style="list-style-type: none"> <li>• Minutes sent to attendees of the first Comms Network which included initial thinking around the National Awareness Raising Campaign.</li> <li>• The first draft outline of Parents’ booklet is complete and with the external marketing company to draft the copy.</li> <li>• Drafting of changes to court rules that required for UNCRC implementation is now underway.</li> <li>• Progressed the contribution for the Children’s Rights Scheme and statutory guidance in relation to children’s rights budgeting, including engagement with public finance, equalities and mainstreaming diversity colleagues.</li> <li>• We continue to prepare the Scottish position statement to the LOIPR</li> <li>• The Improvement Service held the first Peer Network meeting on the 23rd of June, now renamed the UNCRC Implementation: Local Government Network.</li> </ul>	<ul style="list-style-type: none"> <li>• Issue second edition of the ‘Programme Update’ newsletter to a wide range of stakeholders, including public authorities.</li> <li>• Create a briefing paper for the SIB to establish expectations around the National Awareness Raising Campaign.</li> <li>• The Comms Network will meet again to participate in the design of the National Awareness Raising Campaign</li> <li>• A draft copy of the parents’ booklet will be reviewed by the Parents Network Progressing and updating the first draft of the Scottish Position Statement on the UNCRC LOIPR.</li> <li>• The 1<sup>st</sup> meeting of the Working Together Group is to be scheduled.</li> <li>• We will promote the final Theory of Change report and evidence reviews through the SG website and other communication channels, and consider how it informs the work of the Programme.</li> </ul>
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**Progress Against Planned Outputs in the programme plan for next 12 months**

<b>Output</b>	<b>Target Date</b>	<b>RAG Status and Updates</b>
Develop a ‘theory of change’ for delivering children’s rights-based approach so that we have a route-map that has been agreed with stakeholders.	31/03/2022	This is now complete. Final report submitted and was discussed at SIB meeting in June.
Consortium in place that ensures CYP's voices are being meaningfully heard within the implementation programme	Originally 31/04/2022.	No bids were successful. Scoping of options to ensure that CYP are engaged in the UNCRC programme. Given procurement timescales, unlikely to have a contract in place before April 2023 so we are considering how to ensure the strategic participation of CYP, across DCAF and the Programme, continues in the meantime.
Review of advocacy provision. Identify ways to strengthen advocacy provision	Internal mapping commission - completed in May 2022.	Currently analysing responses to internal mapping of SG work on advocacy. Exploring how to collaborate on mapping of external work/provision.

IS to launch Peer Network/ 'National Leadership Forum' for Children's Rights	01/06/2022	The first Peer Network meeting was held on the 23rd of June. IS have titled the group UNCRC Implementation: Local Government Network. The work to launch this is now complete, and meetings become an on-going piece of work within their programme.
Parents research published - Ipsos/MORAY research into parents, carers and families awareness of UNCRC published	15/07/2022	This is now complete and will inform the national awareness raising campaign.
Launch of animated version of Phase 1 Guidance that was published in November 2021.	30/06/2022 - now expected to be 15/08/2022 as young people needed additional time to work on script.	First version of the animation sent to the team to review 18/07/22. Team have reviewed and sent back comments.
Refreshed SG CRWIA guidance (compatibility function) - Internal use only	30/09/2022	Work is progressing and on-track.
Production of guidance for wider sector on how to make products accessible for children and young people. We will use the European Union doc as an interim resource. We aim to publish a SG one in Autumn 22.	Autumn 22	Agreed to adopt and raise further awareness of the EU guidelines.
Parents' Booklet – creation of a digital and printed booklet for parents, carers and families. Co-designed with the Parents Network.	01/10/2022	On track. First outline is with the external marketing company who are writing the copy.
Launch an Innovation Fund.	10/10/2022 - delayed until next financial year	There were no bids for the Fund Administrator. The Spec will be reissued which will result in a delay to its commencement. This is now likely to be in Spring 2023.
Publication of comprehensive Scottish Government Position Statement on the UN Committee's List of Issues Prior to Reporting (LOIPR).	31/10/2022	Work underway. First draft circulated 21 July with deadline for replies of 10 August.
Publication of annual progress report on the Progressing the Human Rights of Children in Scotland: An Action Plan 2021-2024	20/11/2022	To be commissioned
Good practice examples and guidance on participatory and children's rights-based budgeting for Scottish Government.	31/11/2022	[Redacted Section 38(1)] joined the Unit in June to support this work. Recently met with Equality Budget Advisory Group and shortly to meet with Child Sector Forum
Launch national campaign to raise awareness of children's rights	31/01/2023	On track. Working with the Comms Network has started. Briefing paper being created to set expectations.
Launch Skills and Knowledge Framework.	31/03/2023	The standstill letter has gone out to the successful contractor and we hope to be able to confirm shortly.

Developing an impact evaluation process for the CRWIA i.e. Stage 3 - (CRWIA evaluation).	31/03/2023	On track.
Scottish Public Services Ombudsman produce guidance on child friendly complaints and creating child friendly materials and a self-assessment tool. To be implemented under SPSO's model complaints handling. This will include providing guidance, support and training to public bodies in developing and delivering child friendly complaints processes, as well as providing support for children and young people themselves, and those who support children and young people, in particular parents, guardians, third-sector organisations and advocates.	31/03/2023	SPSO advised that they are working towards target date of model procedures going live by 31/03/23.
Publish National Participation for CYP guidance to complement public authority guidance.	31/04/2023	On track. Scottish Youth Parliament created resources. We are discussing digital platform with Digital team.
Prepare for UN Committee examination of UK State Party	February-May 2023	UK examination now reschedule until May 23. Preparation will begin in February 23. State Party Report published June 2022.
Publication of Statutory Guidance on UNCRC Part 2 for duties on public authorities.	At a minimum 4 months from RA but may require up to 6 months depending on nature of the consultation.	Preparatory work continues but need clarity of final duties in the Bill. The fourth meeting of the sub-group was held on 14 June. It was agreed there would be no meeting in July, the next meeting is 9 August.
Publication of Statutory Guidance on UNCRC Part 3 for public authorities (reporting requirements).	At a minimum 4 months from RA but may require up to 6 months depending on nature of the consultation.	As above
SG policy advice submitted to the Scottish Civil Justice Council and Criminal Courts Rules Council on amendments to court rules which may be required to enable provisions of the UNCRC Bill, which relate to the function of the courts.	Needs to be agreed by respective Councils at least 6 months before the commencement of relevant provisions. Policy advice to be finalised between Parliament passing the Bill and Royal Assent.	Civil Court rules paper drafted as far as possible but will be finalised between Parliament passing the Bill and Royal Assent. We are reengaging with colleagues in SCTS and LPPO in the coming weeks. Criminal Court rules paper reviewed but will require further consideration.
Publication of first Children's Rights Scheme	Prior to commencement of the Act (6 months post RA).	Progressing work on content. Planning and timetable subject to Bill progress

## Document 35 – SIB Highlight report – October 2021

<b>Programme</b>	UNCRC Implementation Programme	<b>Programme Manager</b>	[[Redacted Section 38(1)]]
<b>Report Period</b>	October 2021	<b>Senior Responsible Officer</b>	[[Redacted Section 38(1)]]
<b>Report Date</b>	28/10/2021		

<b>Headline Comments from Programme Manager</b>	<b>Period:</b> October 2021 – November 2021
<p>Over the past six months, the team has developed the four priority strands for the UNCRC Implementation Programme, which are: Scottish Government Leadership for Children’s Rights; Empowered Children and Young People who can Claim their Rights; Embedding Children’s Rights in Public Services; and Children’s Rights Resolution. We have also increased capacity within the SG Children’s Right Unit in order to take forward this ambitious programme.</p>	

### Summary of key activities completed in last month

<h4>SG Leadership for Children's Rights</h4> <p>Programme Lead - [[Redacted Section 38(1)]]</p> <ul style="list-style-type: none"> <li>• <b>CRWIA-</b> We have reviewed and updated the Children’s Rights and Wellbeing Impact Assessments (CRWIA) guidance and templates which are nearing completion. The intention is to publish these on 19 November 2021 ahead of World Children’s Day</li> <li>• <b>Reporting-</b> We have been working on the Progressing the Human Rights of Children in Scotland: A Report 2018-2021, including an easy-read version, and Progressing the Human Rights of Children in Scotland : An Action Plan 2021-2024. The intention is to publish these on 19 November 2021 ahead of World Children’s Day</li> <li>• <b>LOIPR-</b> We are working with the UK Government to contribute to and support the compilation of the UK-wide response to the UN Committee’s List of Issues Prior to Reporting (LOIPR) report. As the UN Committee has placed a strict word limit on the UK response, it is likely that not all of the Scottish Government’s contribution will be included in the final UK report. In view of this, we are also working to develop and publish a comprehensive Scottish Position Statement in late spring of 2022.</li> </ul>
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<h4>Empowered Children and Young People</h4> <p>Programme Lead - [[Redacted Section 38(1)]]</p> <ul style="list-style-type: none"> <li>• <b>Participation and Engagement-</b> Planning is underway for the annual meeting between the SG Permanent Secretary and Executive Team and members of the Scottish Youth Parliament which is taking place in November. Preliminary planning is also underway for the next Cabinet Meeting with children and young people from the Children’s Parliament and Scottish Youth Parliament- the intention is to hold this in March 2022.</li> <li>• <b>Consortium-</b> The first Interim Consortium meeting took place in October 2021, facilitated by Together. Children and young people from the 6 member organisations (Scottish Youth Parliament, Children in Scotland, Carers Trust Scotland, Who Cares? Scotland, Aberlour and Scottish Commission for People with Learning Disabilities (SCLD) met online for the first time and also had the opportunity to meet with 3 members of the SIB. We are also continuing to take forward the establishment of the proposed model of a consortium of organisations to support the longer-term engagement and participation of children and young people in the UNCRC implementation programme. We are planning a round table event with stakeholders for November and developing the specification for the Consortium Co-ordinator role.</li> </ul>
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- **Awareness Raising-** A mapping of children’s rights awareness raising resources has been completed, although it will continue to be updated as an on-going exercise. Work has also been taken forward to explore awareness raising amongst parents and carers- this has included meeting with SIB member, Clare Simpson from Parenting Across Scotland and arranging meeting’s with other parents groups and finalising questions on the UNCRC for inclusion in the next parents survey.

## Embedding Children’s Rights In Public services

Programme Lead – [[Redacted Section 38(1)]]

- **Guidance** – Introductory non-statutory guidance on children’s rights and the UNCRC is nearing completion, pending final sign off from the Guidance Reference Group.
- **Skills and Knowledge Framework** – A procurement exercise will be required for this work and the specification has been developed. We are also seeking and incorporating feedback and input to inform the further development of the framework.
- **Innovation Fund** – A procurement exercise will be required for this work and the specification has been developed. We are also seeking and incorporating feedback and input to inform the further development of the Fund which should be in place 2022-23 and 2023-24.
- **Partnerships** – Work has been undertaken to review a variety of proposals from partners in support of UNCRC Implementation Programme delivery.
- **Rights Reporting** – listed public bodies with a duty to report under Part 1, Children and Young People (Scotland) Act 2014 have been advised of the status of reports due with offers and sources of support shared.

## Children’s Rights Resolutions

Programme Lead - [[Redacted Section 38(1)]]

- **Evaluation and Monitoring** – We have agreed the Programme Initiation Document for the internship on UNCRC implementation evaluation with Children & Families analyst colleagues. This work, which will begin on 25 October and last for 3 months will take the form of an evidence review on the links between policy actions and activities and children’s rights outcomes and will inform the future development of the monitoring and evaluation framework for UNCRC Implementation.
- **Child Friendly Complaints** – We have progressed discussions with the Scottish Public Services Ombudsman on the development and implementation of child-friendly complaints approaches across public services in Scotland.



## Document 36 – SIB Highlight Report – Jan 2022

<b>Programme</b>	UNCRC Implementation Programme	<b>Programme Manager</b>	[[Redacted Section 38(1)]]
<b>Report Period</b>	January 2022	<b>Senior Responsible Officer</b>	[[Redacted Section 38(1)]]
<b>Report Date</b>	27/01/2022		

<b>Headline Comments from Programme Manager</b>	<b>Period:</b>	November 2021 – January 2022
<ul style="list-style-type: none"> <li>• At the most recent Rights Right Now (Interim Consortium) meeting the group reiterated the importance of children and young people being informed about how their views would lead to meaningful change and a few expressed interest in attending SIB meetings.</li> <li>• We are keen to schedule feedback sessions with members of the SIB on the Skills and Knowledge Framework/ Innovation Fund projects in the coming weeks to gather more in-depth insights.</li> <li>• To allow incorporation of the UNCRC to the fullest extent possible as soon as practicable, our preference is to address the Supreme Court’s judgment by returning the Bill to Parliament via the Parliamentary ‘reconsideration stage’. We are currently considering very carefully whether that route strikes the best balance between delivering UNCRC incorporation to the maximum extent possible while also addressing the Supreme Court’s decision and minimising the risk of further challenge.</li> </ul>		

## SUMMARY OF KEY ACTIVITIES COMPLETED IN LAST MONTH

<p><b>Embedding Children’s Rights In Public services</b> Programme Lead – [[Redacted Section 38(1)]]</p>
<ul style="list-style-type: none"> <li>• <b>Guidance</b> – A project overview has been developed which outlines SG plans for statutory guidance, including purpose, suggested topics for inclusion, key tasks including consultation, and anticipated timelines. Consideration is being given to the sequencing of commencement of provisions within the Bill in relation to the production of guidance.</li> <li>• <b>Reference Group</b> – having taken a break over the festive period, the group will be assisted in focusing on preparing a workplan for the year ahead which will ensure targeted support is in place for the Embedding Children’s Rights in Public Services strand as a whole, including statutory guidance, Innovation Fund and Skills and Knowledge Framework.</li> <li>• <b>Skills and Knowledge Framework/ Innovation Fund</b> – We are reaching the end of targeted scoping work with key stakeholders and are planning meaningful engagement with CYP, prior to making the tender live before the financial year end. We are keen to schedule feedback sessions with members of the SIB on both projects in the coming weeks to gather more in-depth insights.</li> </ul>

- **Partnerships** – The Improvement Service have advertised for their SG funded Programme Manager post, and once in place, work will commence to initiate a number of forums/ networks in support of further collaboration, shared learning and improvement across public and third sector partners.
- **Support for public authorities** – we are designing a workforce needs analysis to better understand and tailor our response with regards to capacity building to take a child rights based approach.

### [[Redacted Section 38(1)]]

- **Participation and Engagement-** Members of the Children’s Parliament will meet with three members of the SG Executive Team. Children’s Parliament will bring together 9 children aged 9 – 13 from across different projects to discuss key themes central to their work over the last two years, and key calls to action from Cabinet Meetings since 2017: Tackling the Climate Emergency, Dignity in Schools, Mental Health and Wellbeing, and UNCRC Incorporation / Involving children in decision-making processes. Next Cabinet Meeting with children and young people from the Children’s Parliament and Scottish Youth Parliament on 1 March 2022. We are working with Children’s Parliament and Scottish Youth Parliament to develop the Take-Over model to strengthen the mechanisms that enable CYP’s voices to be listened to and acted upon.
- **Consortium-** Four Interim Consortium meetings have taken place, facilitated by Together. At previous meetings, the children and young people suggested rebranding the Interim Consortium to create a sense of ownership for those involved and we have agreed on the new name Rights Right Now. The Unit will identify pieces of work that offer participation opportunities for Rights Right Now. At the most recent Rights Right Now meeting the group reiterated the importance of children and young people being informed about how their views would lead to meaningful change and how issues that were identified as being important to them could be incorporated into the work of the SIB. Some of the children and young people also expressed interest in attending SIB meetings to further develop relationships with the Board. We will ensure that key learning from working in collaboration with Rights Right Now is applied to the development of the main CYP Consortium. We are developing mechanisms to ensure effective communication and engagement between the Unit/SIB and the CYP Consortium to support planning of meaningful participation. This work includes the development of a Request for Participation form and a database to track requests and record the impact of children and young people’s participation. We are also considering Consortium membership arrangements including criteria and the application process. The procurement ITT will be published in late January with the Consortium Coordinator starting in April 2022.

- **Awareness Raising-** Our key focus over the last 2 months has been on developing our awareness raising work with parents and families. We have met with key parents organisations and agreed to reform the UNCRC Parents Reference group under the secretariat of SG. The group will expand to include more partners and other SG policy areas. We have received the findings from the IPSOS parents survey where 8 questions relating to children’s rights were posed. The findings will inform a series of deep-dive focus groups that we are running with parents and families across Scotland and that the parent organisations will run to help us understand the complexity of UNCRC awareness for this audience. The findings will help inform a future national awareness raising campaign. We are also working with the group to develop key messages that will be circulated and shared with parents and families as a matter of urgency. We continue to work in partnership with Education Scotland who we meet on a monthly basis. This meeting has expanded to include other SG policy colleagues and shares best practice, resources and identifies areas of mutual interest and support.

## Children's Rights Resolutions

Programme Lead - [[Redacted Section 38(1)]]

- **Child Friendly Complaints** – An agreement has been reached with the Scottish Public Services Ombudsman to develop and implement child-friendly complaints processes across public services in Scotland. We will be looking to explore links with public bodies not covered by the powers of the SPSO including e.g. the judiciary and the police
- **Advocacy** - We have discussed with external stakeholders and with some internal colleagues – primarily around family law and children's hearings but also Social Security We are committed through the Action Plan to reviewing current arrangements and identifying areas that can be strengthened.
- **Theory of Change** –Matter of Focus undertook workshops with stakeholders in November and December 2021 and with CPF colleagues in January 2022. The insights gathered thus far have been pulled together by Matter of Focus into a draft Theory of Change. They are now putting the final touches to this draft and will be shortly seeking feedback on it over the next few weeks.
- **Children's Rights Reporting** and The Children's Rights Scheme- These strands of work, which previously sat within the SG Leadership Team have, as part of the Unit restructure, been moved across to the Children's Rights Resolution team.

## SG Leadership for Children's Rights

Programme Lead - [[Redacted Section 38(1)]]

- **CRWIA**- Work is underway to assess the needs of the workforce in relation to undertaking CRWIA, with a view to ensuring a sustainable approach to support, and improved training and support is in place prior to commencement of the UNCRC Bill. This work will progress under wider plans to implement a strategic approach to capacity building for SG and Ministers.
- **LOIPR**- We are working with the UK Government to contribute to and support the compilation of the UK-wide response to the UN Committee's List of Issues Prior to Reporting (LOIPR) report. As the UN Committee has placed a strict word limit on the UK response, it is likely that not all of the Scottish Government's contribution will be included in the final UK report. In view of this, we are also working to develop and publish a comprehensive Scottish Position Statement in the late spring of 2022.

**Document 37 – SIB agenda – July 2021**



**UNCRC Strategic Implementation Board**

**Thursday 29th July 2021, 3 PM – 4.30 PM**

**Agenda**

<b>Time</b>		<b>Item</b>
3pm	1.	Welcome and Apologies
3.05pm	2.	Minutes and Actions from 1 July 2021
3.15pm	3.	Introductions continued.
3.20pm	4.	Revised Aims and Terms of Reference <i>Papers: Revised Terms of Reference Presentation 29 July</i>
3.30pm	5.	Work stream Priorities – Embedding Children’s rights in public services  <i>Papers: Presentation 29 July</i>
3.45pm	6.	<b>Comfort Break</b>
3.50pm	7.	Work stream Priorities - Empowered Children and Young People Who Can Claim Their Rights  <i>Papers: Presentation 29 July</i>
4.05pm	8.	Children and Young People’s Participation and Engagement Update  <i>Papers: Strategic Implementation Board- Item 8- Participation and Engagement of Children and Young People- 29 July 2021</i>
4.25pm	9.	Any Other Business
4.30pm	10.	Close

## Document 38 – Revised terms of reference – 29 July 2021

### UNCRC Strategic Implementation Board – Revised Terms of Reference

It is proposed that a Strategic Implementation Board is convened to provide strategic and collaborative leadership for the 3 year programme to implement the United Nations Convention on the Rights of the Child (UNCRC) and the provisions in the United Nations Convention on the Rights of the Child (Incorporation)(Scotland) Bill.

#### Aim and Vision

The overall aim of the Board will be to provide strategic vision and oversight of a comprehensive and joined up implementation programme so that children's rights are respected, protected and fulfilled in Scotland. The Board will ensure that the implementation programme takes a rights-respecting approach and that the wider governance structure established to oversee delivery of the programme supports proportionate, effective, balanced and transparent decision making.

The Board will support the Scottish Government in the transformational change required to ensure children and young people experience their rights being upheld by the end of the three year implementation period to the maximum amount possible in public services and beyond. The Board will work together collaboratively and will support links being made with other relevant activity across Government and beyond.

#### Membership

The Board will include representation from leaders in the children's rights sector, public authorities, private providers of public services and the wider third sector. Across the range of members are those who represent the views of duty bearers and the views of rights holders. The experiences, ideas and feedback of children and young people will inform the work of the Board and the governance structures that will sit beneath the Board.

To support the meaningful and inclusive participation of rights holders, we are exploring with stakeholders and internal colleagues the intention of establishing a consortium of organisations that have already built strong, trusting relationships with children and young people across Scotland. We propose that we ask children and young people through the consortium of organisations how they wish to engage with the Strategic Implementation Board and to nominate representatives to the Board. It is intended that these children and young people would also be provided with dedicated support to prepare and participate in meetings of the Board.

Board members retain their independence with regard to their positioning on the implementation of children's rights and the fulfilment of their statutory functions. Participation in the board is without prejudice to the statutory independence of the Scottish Human Rights Commission and Children and Young People's

## Commissioner of Scotland and compliance with the requirements of the Paris Principles.<sup>12</sup>

### Principles

The Board would be required to review and authorise the principles of the implementation approach. The following principles are proposed:

- The implementation programme, including its governance, will be delivered in a rights respecting way based on the PANEL principles (participation, accountability, non-discrimination and equality, empowerment and legality).
- Children and young people's participation, including those who are from seldom heard groups will be actively sought and their views listened to, at each level of governance including the Board, through their direct representation and via the Children and Young People Consortium. They will be involved in decisions that affect them and we will use inclusive communications to ensure the meaningful and sustained participation of all children and young people.
- Collective leadership will deliver better outcomes for children, young people and their families.
- The programme will be informed by the three-step improvement framework for Scotland's public services.
- The governance structure design will support proportionate, effective, balanced and transparent decision making at different levels required to deliver a comprehensive and joined up implementation programme. We will seek to use existing structures where possible.

### Remit

3. Whilst the Scottish Ministers will retain ultimate responsibility and will make key programme decisions on ~~for~~ the delivery of the implementation programme, the Board will provide wider strategic oversight, vision, scrutiny and collaborative leadership for the Implementation Programme. Members of the Board will collectively make recommendations to Scottish Ministers based on their distinct expertise. ~~The Board will be required to seek authorisation from Ministers for key programme decisions.~~ It will also review and provide advice on the governance principles and seek assurance that:

- Governance principles are being respected.
- Activities are undertaken in a controlled and coordinated manner and documented plans exist for each area of work and that plans are suitable to deliver the required outputs, objectives and outcomes.
- Progress on the programme outcomes is being delivered in terms of public value, timeliness and resource, (or clear explanation is provided of the reasons why not).
- Performance is reviewed against intended outcomes and benefits, identifying trends (both positive and negative) and required areas of improvement.

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<sup>12</sup> [Principles relating to the Status of National Institutions \(The Paris Principles\)](#)

- Approaches to measurement and reporting of progress and impact are meaningful, accessible and transparent.
- Costs remain within budget forecasts and resources are being fully utilised.
- Risks and issues are being effectively identified, assessed, managed and escalated in line with the Risk Management strategy for the Programme.
- Appropriate knowledge, experience and understanding of children’s rights is being utilised to inform the work of the Programme.
- The experiences, ideas and feedback from children, young people ~~and~~ their families, and views of seldom heard children and young people have been included in decision-making.
- Interdependencies are being effectively managed between relevant areas of work both within and outwith the Programme.
- Internal and external communications and engagement activity are taking place in a timely and appropriate manner.

## Timeline

4. Whilst the reference to the Supreme Court means that the Bill cannot go for Royal Assent at this stage, we consider that the majority of work in relation to implementation can continue. The Scottish Government remains committed to the incorporation of the UNCRC and to commencement of the UNCRC Bill as soon as is possible. ~~Scottish Ministers remain committed for the Bill to be commenced as soon as possible.~~ We consider that there remains significant interest in progress being ~~seen to be made~~ and in line with parliament’s intention (which would have seen the Bill commence in around mid-October). ~~As such~~ it is, therefore proposed that the Board should meet monthly from May to October, with the opportunity for the Board to review the frequency of meetings at that point. It is expected that the Board will be in place until March 2024, supporting commencement of the Bill and the wider 3 year implementation programme.

## Chair and secretariat

7. The Board will be chaired by Michael Chalmers, Director, Children and Families. The Secretariat will be provided by the Scottish Government. The Secretariat will:

- circulate an agenda and other relevant papers one week in advance of each meeting; and
- issue draft minutes and actions within 1 week of each meeting.

8. The Terms of Reference, membership of the group and minutes of meetings will be published on the Scottish Government’s website to ensure transparency.

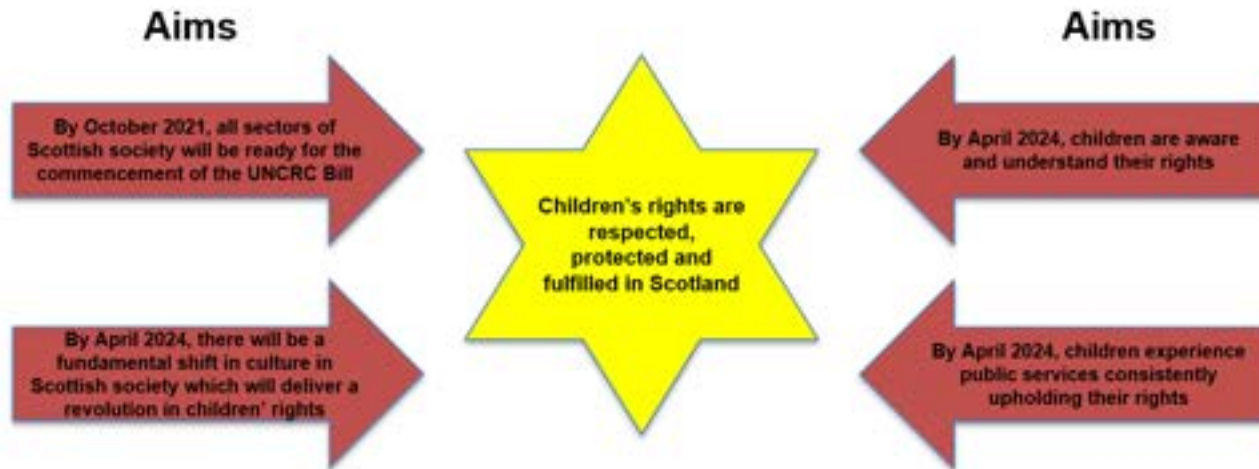




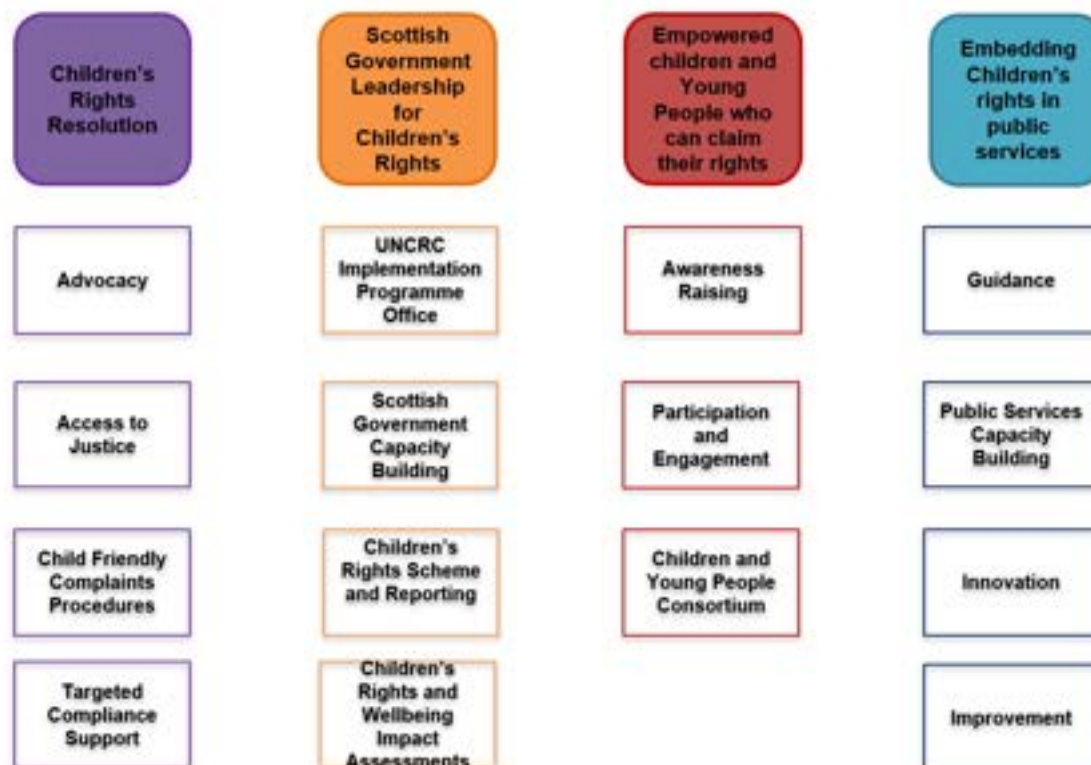
# UNCRC 3 Year Implementation Programme Overview

## Proposed Changes for Consideration

### Vision



## UNCRC 3 Year Implementation Programme Workstreams



## Priorities Year 1

### Embedding Children's Rights in Public Services



## Priorities Year 1

**Empowered Children and Young People  
Who Can Claim Their Rights**

### **Awareness Raising**

Awareness raising  
programme

Resources for  
children and young  
people

Social Media  
Campaign

UNCRC Booklet  
Refresh

### **Children and Young People Consortium**

Scoping Exercise

Specification  
Development

Procurement

Establishment

### **Participation and Engagement**

Children and Young  
People's Voices  
Matter

Children and Young  
People's  
Participation  
Website

UNCRC Strategic  
Implementation Board

**UNCRC Strategic Implementation Board 29<sup>th</sup> July 2021**

**Item 8. Children and Young People’s Participation and Engagement**

**1. Proposed Consortium of Organisations**

To support the meaningful and inclusive participation of children and young people in the UNCRC Strategic Implementation Board and wider implementation programme, we are working to establish a consortium of organisations that have strong, trusting relationships with children and young people across Scotland.

As well as creating a way for children and young people to be part of the decision-making process for the UNCRC implementation programme, it is the intention that this approach would support a more sustainable and strategic approach to participation and engagement, and, in time, allow wider policy issues across the Scottish Government to be considered too.

Paragraph 15 of the [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Bill Financial Memorandum](#) set out proposals for participation, which would look to provide a sustainable approach to the strategic participation of children and young people in decision-making, and to enable the voices of those children and young people who are seldom heard to be listened to.

Since May 2021 we have spoken to 15 organisations, including children’s rights organisations who operate at a national level, as well as grass-roots organisations that work in and for specific communities, and organisations that represent children and young people with specific needs, including younger children, disabled children, and children who live in situations that make them vulnerable to not having their rights respected.

We are currently approaching the end of this preliminary scoping phase of the proposed consortium model with stakeholders, which has been extremely useful to gauge the potential interest of organisations, and to gather their views and feedback.

Our next steps are to review and use the interest, feedback and proposals we have received to date and start to further develop the model with those organisations who have noted interest. We intend to hold a round table discussion with these organisations shortly.

We have outlined two roles for organisations who would wish to consider being part of the consortium. A preliminary draft outline of these roles is as follows:

**Outline of member role**

- Facilitate group work sessions for children and young people.
- Ensure the children and young people are involved in the work of the UNCRC Strategic Implementation Board by:

- Feeding into the agenda and work plans for the Strategic Implementation Board.
- Being involved in the working groups which sit beneath the Strategic Implementation Board.
- Providing dedicated support to children and young people to prepare and participate in meetings of the Board

#### Outline of coordinator role

- Act as a link between a consortium of children and young people's organisations members, the Strategic Implementation Board and the working groups that sit beneath it.
- Attend the Strategic Implementation Board meetings and provide feedback on behalf of a consortium of children and young people's organisations.
- Act as an independent advocate for the consortium of children and young people's organisations.
- Facilitate consortium of children and young people's organisations members network meetings (staff).
- Facilitate joint training days for the consortium of children and young people's organisations members (children and young people).
- Create or encourage the sharing of example workshops and ways of engaging with children and young people.
- Support organisations to capture content and report back from their sessions.
- Facilitate celebration days for the consortium of children and young people's organisations and their members.
- Provide youth leadership/participation readiness capacity building programme for children and young people, through a training for trainers model.

We propose that we would ask children and young people through the consortium of organisations how they wish to engage with the Strategic Implementation Board and to nominate representatives to the Board.

It is the intention to further develop the specification for the co-ordinator role and to undertake a procurement exercise for this role over the next 6 months (August 2020-January 2021).

## **2. Interim Arrangements**

In order to ensure children and young people are at the heart of the UNCRC Strategic Implementation Board's collective leadership and decision-making before the consortium is established, Together (Scottish Alliance for Children's Rights) have agreed to support the Scottish Government to put in place the following interim measures:

- Involve children and young people in the work of the UNCRC Strategic Implementation Board, including preparing child-friendly and accessible information
- Develop, document and disseminate innovative best practice on children and young people's participation, including an end-of-project evaluation, which will also help to shape the model for the proposed consortium
- Consult with children and young people on specific deliverables from the UNCRC Implementation Programme workstreams

This work will be led by Together's CEO **[Redacted Section 38(1)]** with the support of a part-time Participation Manager, Participation Lead and from [Professor \*\*\[Redacted Section 38\(1\)\]\*\*](#). **[Redacted Section 38(1)]** will act as a consultant to the project and to support ongoing monitoring and evaluation to capture learning that can be embedded into the development and ongoing work of the consortium.

The activities proposed for this 6-month project are as follows:

### ***Children and young people's involvement***

Together aims to recruit 6 member organisations who work with children and young people with a range of experiences and backgrounds. Each of these organisations would recruit 2-3 children and young people with which they already have a strong working relationship and who have a background on working on UNCRC incorporation. To take account of specific accessibility requirements, children and young people will be offered a range of approaches in working with the panel, from attending specific Board meetings through to creating films, surveys or quizzes for Board members or inviting Board members to attend their own meetings. Together will work with Professor **[Redacted Section 38(1)]** and the children and young people to agree working methods to be agreed by the Strategic Implementation Board to support the most effective methods of involving these children and young people in its work.

### ***Training and awareness***

The Participation Lead would work with children, young people, partner organisations and the Strategic Implementation Board to ensure that rights-based participation in line with UNCRC principles is embedded across the project. This will include developing training materials where needed for different stakeholders involved in the project.

### ***Child-friendly accessible information***

The Participation Lead will work closely with all stakeholders to ensure that child-friendly and accessible information is available from each Strategic Implementation Board.

### ***Best practice governance and evaluation***

Throughout the project, the Participation Manager and Participation Lead would be developing best practice governance documents. This will include Working Methods for Children's Participation, Child Safeguarding Policies and Procedures and Accessibility Guidelines as well as working with Professor Lundy to conduct an end-of-project evaluation with all stakeholders so that learning can be shared and embedded into the work of Strategic Implementation Board and the consortium going forward.

### ***Peer mentoring***

Children and young people involved in this 6-month interim project could be supported to become peer mentors to the future children and young people involved in the consortium. This could provide sustainability and continuity of children and young people's involvement in the Strategic Implementation Board and would ensure that children and young people are supported to develop and grow in their role. This

would need further consultation before suggesting a model that could be used to take this forward.

### **3. Next Steps/ Working Methods**

Taking into account the insightful input and experiences from the five young people who spoke to the Board on 2nd July 2021, we now wish to seek further input from the Board members on:

- how they would wish to engage with children and young people over this next 6-month period and beyond
- how the Board proposes to function to ensure the meaningful and sustained engagement of children and young people
- what does the Board require to ensure the meaningful and sustained engagement of children and young people

If agreeable to the Board, we propose the development of a working methods paper outlining how the Board proposes to operate to ensure the meaningful and sustained engagement of children and young people. This can be built upon over time, and once the Board have received further input, as requested, from the Children's Parliament, to ensure we also reflect the input and views of younger children.

Once drafted, we propose that this draft paper would then go to the children and young people who are going to be involved in this next 6-month period for their input, views, ideas and agreement, and used as part of the evaluation of this project.

#### **[Redacted Section 38(1)]**

Children's Rights Unit

26 July 2021





**UNCRC Strategic Implementation Board**

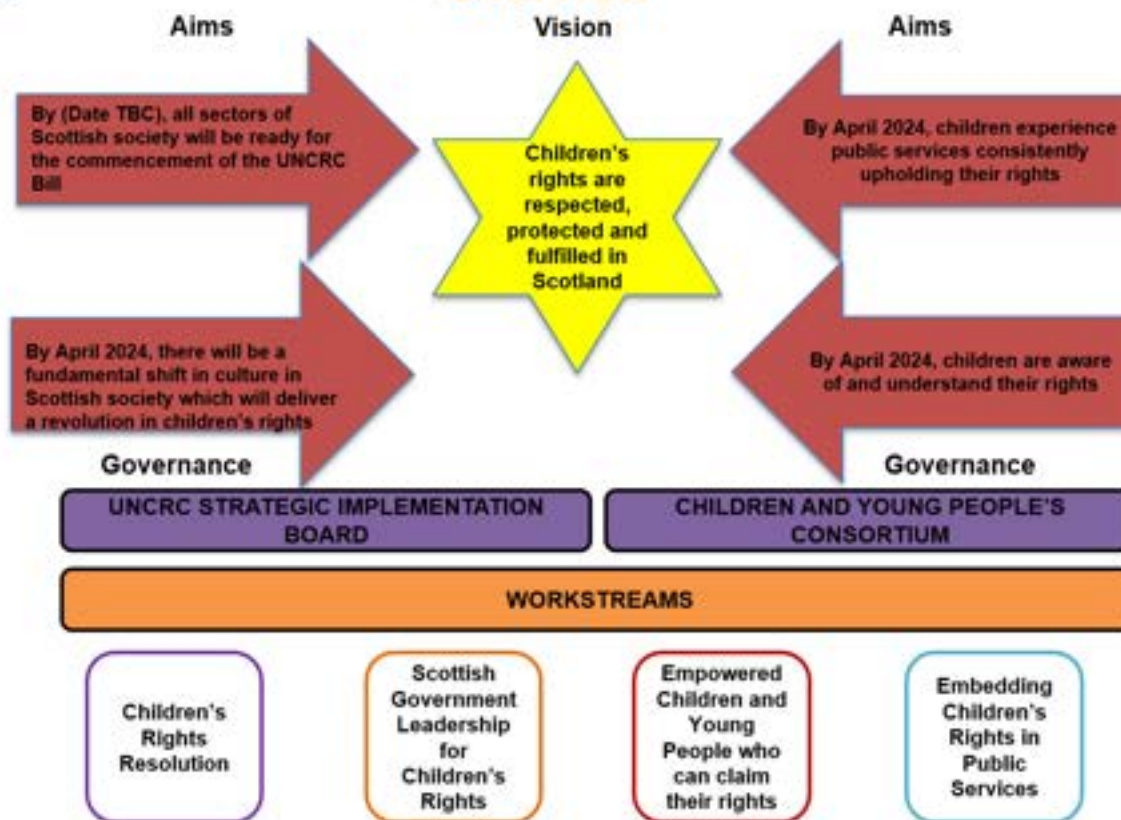
**Thursday 26th August 2021, 3 PM – 4.30 PM**

**Agenda**

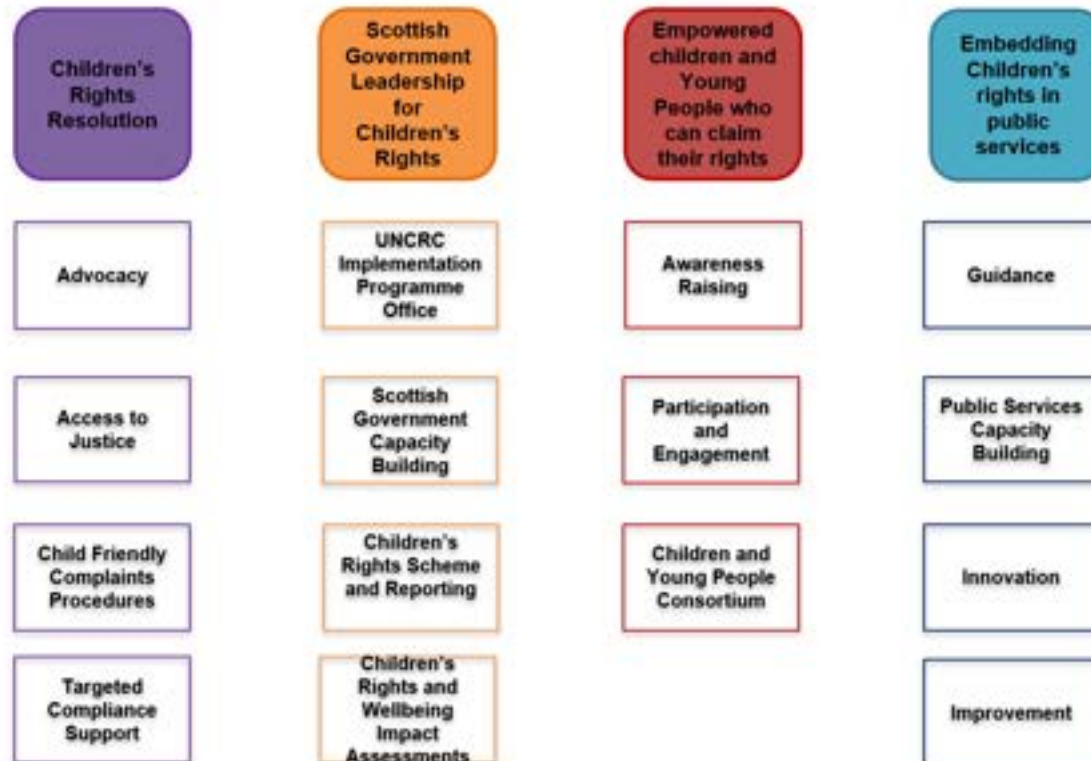
<b>Time</b>		<b>Item</b>	<b>Lead</b>
3pm	95.	Welcome and Apologies (5 mins)	Michael Chalmers, Chair
3.05pm	96.	Minutes and Actions from 29 July 2021 (10 mins)	Michael Chalmers, Chair
3.15pm	97.	Children and Young People’s Participation- Update and Future Considerations (15 mins)	<b>[Redacted Section 38(1)]</b> Together
3.30pm	98.	Work stream Priorities – Scottish Government Leadership for Children’s Rights and Q&A (15 mins)  <i>Papers: Work stream Presentation Slides</i>	<b>[Redacted Section 38(1)]</b> , Team Leader, Children’s Rights Unit
3.45pm	99.	<b>Comfort Break (5 mins)</b>	
3.50pm	100.	Work stream Priorities - Children’s Rights Resolution and Q&A (15 mins)  <i>Papers: Work stream Presentation Slides</i>	<b>[Redacted Section 38(1)]</b> , Team Leader, Children’s Rights Unit
4.05pm	101.	Discussion on Priorities (20 mins)	Group Discussion led by <b>[Redacted Section 38(1)]</b> , Unit Head, Children’s Rights Unit
4.25pm	102.	AOB (5 mins)	Michael Chalmers, Chair
4.30pm	103.	Close	Michael Chalmers, Chair



## UNCRC 3 Year Implementation Programme Overview

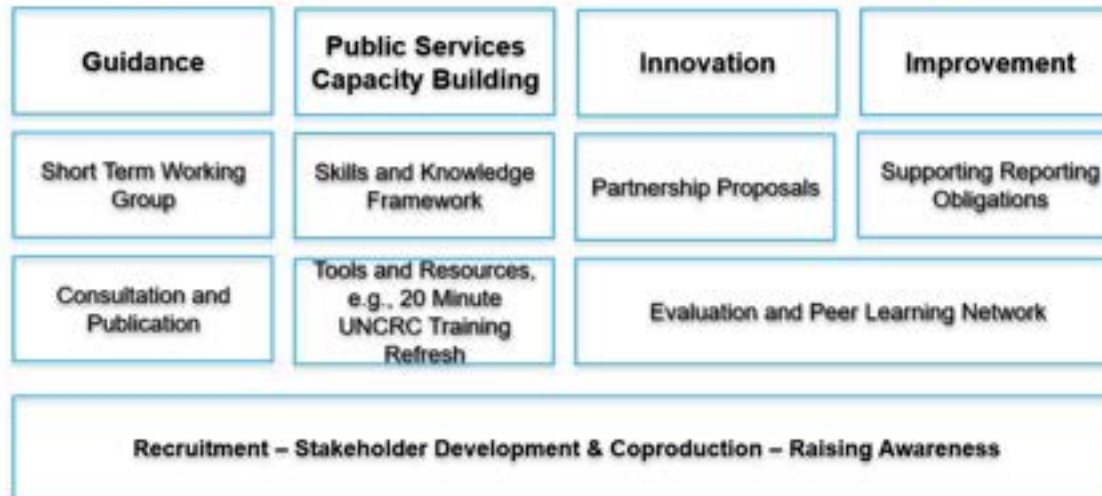


## UNCRC 3 Year Implementation Programme Workstreams



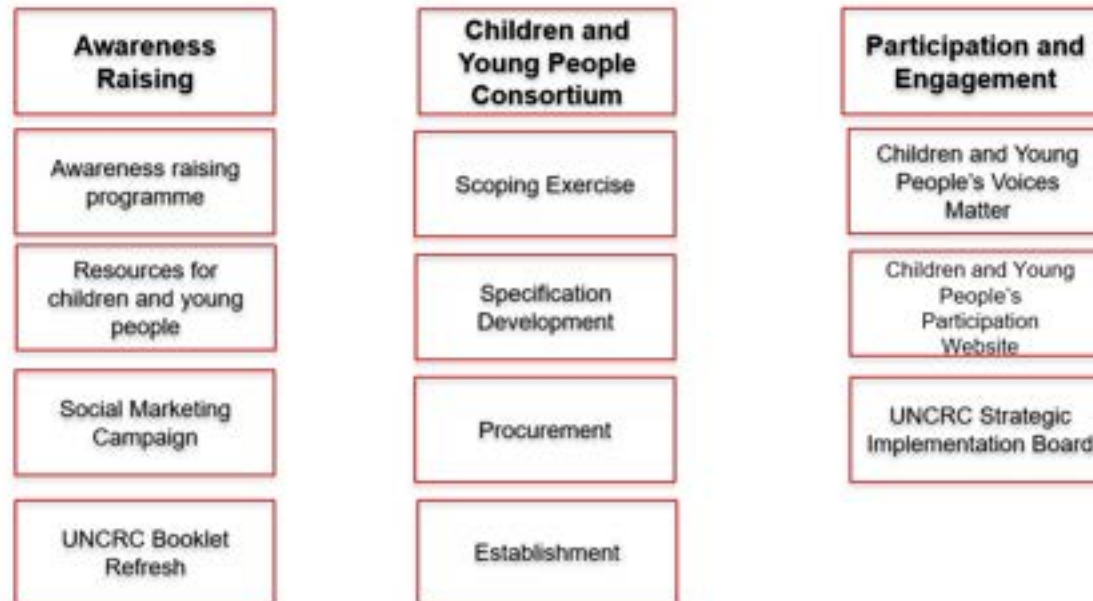
## Priorities Year 1

### Embedding Children's Rights in Public Services



## Priorities Year 1

### Empowered Children and Young People Who Can Claim Their Rights



## Priorities Year 1

### Scottish Government Leadership for Children's Rights



## Priorities Year 1

### Children's Rights Resolution

Advocacy	Access to Justice	Child Friendly Complaints	Targeted Compliance Support
Scope priority advocacy actions	Court Rules – interim policy papers	Scope framework with stakeholders	Supporting Compatibility
Consider partners and procurement options	Court Rules – policy papers - finalise and submit	Procurement	Supporting progressive realisation
Take action forward/ award contract/s	Tribunal Rules	Manage and monitor programme	Areas of challenge
Longer term aims – plan of action	Explore training for judges/ judiciary/ solicitors etc		

## Interactive Session

Are these the right priorities?

What are we missing?

How can we work together to deliver these priorities?

What are the main risks to delivering these priorities?





**UNCRC Strategic Implementation Board**

**Thursday 30th September 2021, 15.00 – 16.30**

**Agenda**

<b>No.</b>	<b>Time</b>	<b>Item</b>	<b>Lead</b>
104.	3.00	Welcome and Apologies (5 mins)	Michael Chalmers, Chair
105.	3.05	Minutes and Actions from 26 August 2021 (5 mins)	Michael Chalmers, Chair
106.	3.10	Rights-based approach to children’s participation and engagement (15 mins)	<b>[Redacted Section 38(1)]</b> and Members of the Children’s Parliament
107.	3.25	Update on the Children and Young People Consortium (15 mins)	<b>[Redacted Section 38(1)]</b> , Together Scotland
108.	3.40	<b>Comfort Break</b>	
109.	3.45	International Evidence and Learning (25 min)  <i>Presentation (15 mins) and Q&amp;A (10 mins)</i>	<b>[Redacted Section 38(1)]</b> , UNICEF
110.	4.10	UNCRC Implementation Update (15 mins)	<b>[Redacted Section 38(1)]</b> , <b>[Redacted Section 38(1)]</b>
111.	4.25	AOB	Michael Chalmers, Chair
112.	4.30	Close	Michael Chalmers, Chair

## Document 44 – SIB Agenda – 25 November 2021



### UNCRC Strategic Implementation Board

Thursday 25<sup>th</sup> November 2021, 3.00 – 4.30 PM

#### Agenda

No.	Item	Lead
1.	Welcome and Apologies	Michael Chalmers, Chair
2.	Minutes and Actions from 28 October 2021 <b>Papers 2 and 3</b>	Michael Chalmers, Chair
3.	UNCRC Implementation Update - Highlight report <b>Paper 4</b>	<b>[Redacted Section 38(1)]</b> , Children’s Rights Unit
4.	Proposals for targeted engagement on legislative solution for the Supreme Court judgment	<b>[Redacted Section 38(1)]</b> , Children’s Rights Unit
5.	Introduction to Theory of Change work and role of SIB in supporting this  <b>Paper 5</b>	<b>[Redacted Section 38(1)]</b> , Observatory of Children’s Human Rights Scotland and <b>[Redacted Section 38(1)]</b> , Matter of Focus
6.	Update and Feedback from the Interim Consortium <b>Papers 6 and 7</b>	<b>[Redacted Section 38(1)]</b> and <b>[Redacted Section 38(1)]</b> , Together
7.	AOB	Michael Chalmers
8.	Close	Michael Chalmers

*Rights Right Now:*

*Interim Children & Young People's Consortium*

## **Update for the Strategic Implementation Board**

*December 2021*

### **About the Interim Children and Young People's Consortium**

The Interim Children and Young People's Consortium is a pilot project to ensure children and young people are at the heart of the Strategic Implementation Board's (SIB) collective leadership and decision-making. The Interim Consortium is coordinated by Together (Scottish Alliance for Children's Rights) in partnership with six Together members: Aberlour, Carers Trust Scotland, Children in Scotland, Scottish Commission for Learning Disability, Scottish Youth Parliament, Who Cares? Scotland. These partner organisations have trusting relationships with children and young people who have been involved in the UNCRC Bill and have committed to strengthen SIB's capacity to involve children and young people with a broad range of experiences and background in its work.

### **Meeting #3 – Thursday 2<sup>nd</sup> December**

The third meeting was attended by 9 children and young people from across the partner organisations alongside participation workers. They were joined by Michael Chalmers, Lesley Sheppard and [Redacted Section 38(1)] from the Strategic Implementation Board (SIB) alongside [Redacted Section 38(1)] who attended both in a SIB and Together capacity. The focus of the third meeting was on continuing to discuss important issues for children and young people, to think about what they want the group to achieve and a chance to ask questions to members of the SIB. Children and young people had the opportunity to ask questions to Michael including which right did he think was the most important to how much influence the Interim Consortium has. The group also asked questions about favourite pizza topics and favourite film as it is important for them to get to know adults better.

### *Fostering a group identity*

Children and young people spent some time thinking about potential names and logos for the group. This was to help them create an identity and a sense of ownership. Children and young people were encouraged to think about what they believe in, what they want to achieve, who they are and what they have in common. The group then came up with suggestions for the name which were then put to a poll. The names touched on key themes including supporting people to know about children's rights (particularly adults), defending and protecting children's rights, being visible and making a difference.

### **Suggested names included:**

- • Rights Right Now
- • Coaching for rights
- • Care about rights!
- • The Defenders
- • Pepperoni Rights
- • The difference makers
- • Show-er Uppers!

Design by young person from Rights Right Now

*The role of the interim consortium and longer-term consortium*

As part of the meeting the group discussed what they wanted the Consortium to achieve both in the Interim and longer-term consortium. Children and young people worked in smaller discussion groups and used the hot air balloon activity to help with planning.

We heard that they wanted **“this consortium (to be) as good as it can be for future children who get involved”**. It was important that the consortium is a space that feels safe and inclusive. Children and young people spoke about the real need to see change being implemented after they have shared their views. Children and young people wanted to be able to understand what they had achieved at the end of the process. They also spoke about involving other children and young people through opportunities like surveys.

#### *Rights Awareness*

As part of the discussion they highlighted the importance of everyone understanding and being aware of children’s rights. They felt that both children and adults need to get the right kind of information to help them understand. A range of groups requiring this information were identified. These included: decision makers, politicians, teachers, children and young people and employers. It was suggested that children and young people should be involved in helping to design children’s rights campaigns including advertisements for social media. We heard that children and young people have ideas on how to educate on rights in an effective and meaningful way.

**“If we talk more about rights people won’t be embarrassed to talk about them. The more we talk the more normal it becomes”**

**“Greater awareness of existing resources”**

**“Workshops from councils/schools to educate parents for free, or online courses”. Important to also involve these adults in co-design of awareness raising schemes.**

#### *Barriers and facilitators*

One of the key concerns expressed by children and young people was that their views weren’t going to be taken seriously and that no action would be taken.

**“People being apathetic, not actioning our ideas when we have put a lot of effort into things”**

It was felt that, in general, there is a lack of understanding about how to share information with children about their rights in an interesting and engaging way (particularly in education). This can be problematic because lack of knowledge leads to inaccurate or unclear explanations for children and young people or unengaging delivery of the information.

When thinking about things that help, children and young people shared that lots of different individuals and groups from different communities need to be involved and work together.

**“Adults in life that aren’t connected to children directly need to be in the basket.”**

**“If like government is making the rights and laws they need to be in the basket - building a protected basket.”**

#### **Evaluation**

In the evaluation of the session children and young people said:

*“Being more confident in standing up and speaking”*

*“Everyone is super respectful and nice”*

*“Longer time in the breakout room was good so we had more time to focus and talk about what we think matters most”*

#### **Meeting #4 – Thursday 16th December**

The fourth meeting was attended by 10 children and young people alongside participation workers from the partnership. The children and young people were joined by Michael Chalmers from the Strategic Implementation Board who was joined by **[Redacted Section 38(1)]** and **[Redacted Section 38(1)]** from the Empowering Children and Young People team.

The focus of the meeting was to explore the key issues that had been discussed from the previous three SIB meetings and to start to decide on key areas of focus. The final session also offered the opportunity for some of the young people to lead and facilitate activities and have fun. The group also finalised their name and will now be called 'Rights Right Now'.

#### *Children's Rights Action Plan Update*

As part of the session, **[Redacted Section 38(1)]** provided an update to the group about their work to inform the development of the Children's Rights Action Plan. **[Redacted Section 38(1)]** used a metaphor to help engage the group. He asked the question:

**"What is the difference between asking someone 'do you want tea or coffee?' and 'what do you want to drink?'"**

Children and young people responded by saying that the first question limits you to only two options, whereas the second question give you more choice for you to come up with your own preferences. **[Redacted Section 38(1)]** explained that the consultation on the Children's Rights Action Plan was a bit like the 'tea or coffee' question. He highlighted that in the future the Scottish Government will work to make sure that children and young people have the choice to make their own decisions about what is important to them. Following the meeting a paper was shared with children and young people explaining the action that is going to be taken in the identified areas.

#### *Areas of focus Rights Awareness*

Climate change was identified as an important issue for many of the children and young people at the meeting. It was felt that this is an issue which impacts them right now and in the future. We heard that pressure around exams and exam results can impact children and young people. There is a lot of stress, and it can feel that **"everything is riding on one exam"**. It was highlighted that certain groups of children and young people need flexibility or extra support, for example, young carers.

It was expressed that equality and equity are central when thinking about certain issues including education, for example, children and young people being supported to access mainstream education. Children and young people told us that schools should teach about care experience in schools to help raise awareness and challenge stigma.

Poverty was another issue which can have an impact on lots of different parts of children's life and rights. It is important to recognise that everyone's circumstances are different.

**"Poverty can prevent some young people from having their rights"**

Support for mental health in schools was another area of focus. The group shared that in some cases there was no accessible support within schools. Concern was expressed about the impact of the pandemic on children and young people and there was a feeling that the current support available might deteriorate.

#### *Rights Awareness*

At the session children and young people felt that some children know about their rights and others don't and this can vary across Scotland. We heard about a school survey where the results showed that there was a significantly unequal knowledge and understanding of children's rights.

Paul highlighted to the children and young people that the Empowering Children and Young People team are developing a national survey and asked if this is something that Rights Right Now wanted to be involved with, for example, this might involve helping to think about the questions and how it is shared. Children and young people indicated that this is something they would be interested in helping to shape.

#### **Evaluation**

In the evaluation of the session children and young people said:

*“[Redacted Section 38(1)] was very active in chat it was nice to see him showing active listening :-)”*

*“I love the new name”*

*“Billboard is exciting!” (idea for rights awareness campaign)*

### **For Consideration for the Strategic Implementation Board**

Children and young people were clear that they wanted to know what would happen with the views that they shared and how it will lead to meaningful change. It is important to start to consider how views shared by children and young people can be used to help influence the work of the SIB.

#### **1. How can the SIB incorporate issues that are important to children and young people into the programme of activity and members work?**

In addition, some members of the group have expressed that they are interested in attending future SIB meetings to help connect the work of the group Rights Right Now with the SIB.

#### **2. How can the SIB support children and young people from Rights Right Now to attend future SIB meetings?**

### **Next Steps**

The next meeting of the Consortium is taking place on **Thursday 20th January at 5pm**. The focus of the meeting will be on the key issues young people have identified as being important for them. We encourage SIB members to attend whose role aligns with the groups identified priority areas. There will also be an opportunity to think about how they can get involved with the work of the Empowering Children and Young People team with the development of the national rights awareness survey as well as exploring other potential opportunities. In advance of the session partner organisations will undertake preparatory questions and activities to support the young people to attend.

**17th December 2021**

*For further information, please contact [Redacted Section 38(1)], Participation Lead*

**Together (Scottish Alliance for Children's Rights)**

*Email: [Redacted Section 38(1)] Web: [www.togetherscotland.org.uk](http://www.togetherscotland.org.uk) Twitter: @together\_sacr*

*Together (Scottish Alliance for Children's Rights), The Melting Pot, 15 Calton Road, Edinburgh, EH8 8DL*

*Rights Right Now:*

*Interim Children & Young People's Consortium*

## **Update for the Strategic Implementation Board**

*January 2022*

### **About the Interim Children and Young People's Consortium**

The Interim Children and Young People's Consortium is a pilot project to ensure children and young people are at the heart of the Strategic Implementation Board's (SIB) collective leadership and decision-making. The Interim Consortium is coordinated by Together (Scottish Alliance for Children's Rights) in partnership with six Together members: Aberlour, Carers Trust Scotland, Children in Scotland, Scottish Commission for Learning Disability, Scottish Youth Parliament, Who Cares? Scotland. These partner organisations have trusting relationships with children and young people who have been involved in the UNCRC Bill and have committed to strengthen SIB's capacity to involve children and young people with a broad range of experiences and background in its work.

### **Meeting #5 – Thursday 20<sup>th</sup> January**

The fifth meeting was attended by 12 children and young people from across the partner organisations alongside their participation workers. They were joined by Michael Chalmers from the Strategic Implementation Board (SIB) and **[Redacted Section 38(1)]** from the Empowering Children and Young People team.

The focus of the fifth meeting was to explore ways that children and young people from Rights Right Now could start to **“take action”** by presenting them with a range of opportunities to inform and influence Scottish Government strands of work. Building on the previous session, the children and young people shared their thoughts on what should be included in the Scottish Government's national survey about children's awareness of their rights. At the end of the session the group had the opportunity to share their thoughts and ideas about what they would want to highlight to decision makers like the First Minister.

#### *Creating a safe space*

During preparatory partner sessions children and young people highlighted that they would like to spend some dedicated time getting to know each other. They expressed that this was important for them to feel comfortable to share their views both with children and young people and other adults.

At the start of the session children and young people split into small breakout groups and asked each other questions designed by one of the young people to get to know each other better.

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#### *Opportunities to influence*

Following on from the last session, **[Redacted Section 38(1)]** spoke to the group about future opportunities for Rights Right Now to inform and influence different strands of Scottish Government work to embed children's rights. He started his input by asking the group to explain “what is an experiment?”. Responses from children and young people included:

- • **“Scientific procedures to test a hypothesis”**
- • **“Method of trial and error”**
- • **“Trying to develop it and changes being made”**

**[Redacted Section 38(1)]** explained that Scottish Government's work to engage with children and young people is like an experiment because it is about trying new things and seeing what works best. He explained that his team are still learning about the best ways to work with

children and young people. **[Redacted Section 38(1)]** said that this might mean that they make mistakes but highlighted that they will continue to make changes until they get things right. He spoke about a range of different opportunities that Rights Right Now could get involved in including a rights awareness campaign, a booklet on children's rights, an animation, a rights awareness campaign, a resource for professionals, an innovation fund and the rights and skills framework. **[Redacted Section 38(1)]** highlighted those opportunities were all at different levels on the participation spectrum (inform, consult, involve, collaborate, delegate). During the session **[Redacted Section 38(1)]** reflected that there were a lot of different opportunities and recognised that they had already done a lot of work relating to a rights awareness campaign. Offering this to the group as a main project, which is at the collaborate/delegate level, would give them the opportunity to influence how this should be designed and implemented in a meaningful way.

Rights awareness survey

At the December meeting, **[Redacted Section 38(1)]** suggested that Rights Right Now could be involved in helping to design questions for Scottish Government's national survey to find out about children and young people's awareness of their rights.

When thinking about the survey children and young people highlighted that there might need to be different surveys or other ways of finding out views to cater to different age groups and learning

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styles. For example, one young person said that they were not aware of surveys at primary school. It was suggested that children and young people could respond using a sliding scale rather than lots of yes or no questions. They also said they didn't want a survey to feel like a test.

**"Wouldn't want to list (rights or articles that they were aware of) feels like a test! Maybe a scale for how confident you are that you know your rights?"**

Some of the young people highlighted that there would need to be clear context to the survey and an explanation of what would happen next.

**"There needs to be a good explanation of the survey, like why they are doing it"**

Rights Right Now felt it was important to ask children and young people if they know about their rights and have heard of the United Nations Convention on the Rights of the Child (UNCRC). As many children are not aware of their rights it was suggested that the survey should signpost information about children's rights and include examples of their rights to help them understand. We heard that the survey should include questions to ask if support workers/professionals/teachers have ever spoken to children and young people about their rights or if they were taught about them in school. We also heard that children and young people should be asked if their rights have been respected and who they would speak to if this wasn't the case. It was suggested that surveys could be part of a two part process. Stage one to find out about awareness of rights and stage two to find out if they were experiencing those rights. One significant thing that was highlighted was the children can be prevented from experiencing their rights because of how they are perceived by adults. For example, that they don't deserve them because of their behaviour or how they are seen by the media.

**"Young people are not respected or trusted enough. Seen as 'snowflake generation'.**

Pitching to the First Minister

We asked the children and young person what they would like to say to a government minister or other decision maker and how they would like to say it. The children and young people talked about issues that were important to them, such as all children being able to get the support, they need to access education and social activities. One young person said:



**“My mum had to argue a lot to get support for me. What about children who don’t have a mum to do this?”**

Having someone to advocate for him was very important. However, this shouldn’t have happened if his views were listened to, and his needs met in the first place. One young person raised the point that just because **“someone looks normal”** it shouldn’t be taken for granted that all their rights are being realised as people’s circumstances can prevent this from happening. Another participant also made the point that people who are employed to work with children must have the right skills as well as a knowledge of, and passion for, children’s rights. Whilst some young people had already prepared a short ‘pitch’ that they would give to an important decisionmaker, it was also suggested that a Tik Tok video could be made to present their ideas. Children and young people also highlighted other creative ideas to raise awareness of rights that would suit a range of ages including using Minecraft or creative play methods.

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### **Evaluation**

In the evaluation of the session children and young people said:

“The end part where we were discussing what the scottish govt can do”

“Nice people and we got to speak and show our thoughts”

“Everyone is really supportive”

### **For Consideration for the Strategic Implementation Board**

Children and young people highlighted a range of factors, through the survey discussion, that need to be taken into consideration when thinking about how to raise awareness of their rights and embed children’s rights across society. One thing that was identified as a barrier was the way they can be viewed by adults.

**1. Children and young people highlighted that sometimes they feel negatively perceived across society including by the media. How can the work of the SIB take this into consideration to support a change in culture?**

Members of Rights Right Now have expressed an interest in attending future board meetings. It is important to consider how everyone can be supported as part of this process.

**2. What would help SIB members to engage with members of the Rights Right Now group as part of a future meetings?**

### **Next Steps**

The next meeting of the Consortium is taking place on **Thursday 17th February at 5pm**. The focus of the meeting will be on further developing their thoughts around a rights awareness campaign. We encourage SIB members to attend whose role aligns with the groups identified priority areas. There will also be an opportunity for members of Rights Right Now to think about what they would like to share if they were to attend a future SIB meeting. In advance of the session partner organisations will undertake preparatory questions and activities to support the young people to attend.

**21st January 2021**

*For further information, please contact [Redacted Section 38(1)], Participation Lead*

**Together (Scottish Alliance for Children's Rights)**

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**‘Theory of Change for Making Children’s Rights Real in Scotland’  
Update for SIB Thursday 27<sup>th</sup> January 2022**

The Theory of Change project is rapidly developing.

Activities to date include: **Initial launching presentation to the SIB** (November 2021); **Core workshops** in November and December 2021, to start off the TOC; Workshops with Scottish Government Children’s Rights Team (January 2022), and bespoke workshop for SIB and Collective Leadership Group (January 2022); **Interim TOC paper sent out** through existing TOC project lists (21 January 2022), and through Together, Children in Scotland and Parenting across Scotland, with responses by February 18<sup>th</sup> 2022.; **The evidence team**, led by Public Health Scotland, is: undertaking outcome harvesting, commissioning rapid reviews, arranging to meet with ‘change agencies’, linking with the Scottish Government’s Children and Family Analysis Unit, commissioning implementation webinars.

Key next steps include:

- (1) **Arranging meetings to discuss the interim TOC paper with key organisations.** In discussion/arrangements made with UNCRC Embedding in Public Services Group, Social Work Scotland, Children and Young People Special Interest Group of the Directors of Public Health, Education Scotland, Law Society of Scotland, SOLACE and Children in Scotland’s Strategic Forum (in order of proposed meeting dates).
- (2) **Workshop with Rights Right Now** (formerly the Children and Young People’s Interim Participation Consortium, facilitated by Together) on the TOC, scheduled February 2022. Based on workshop preparation for this group, materials will shortly be available for other organisations to facilitate conversations on the emerging TOC with children and young people.

The project is on target to have a TOC and outcomes mapping full report, for internal use, available by end of March 2022. An edited version and accessibly summary, will be made publicly available May 2022.

## Document 48 – SIB Agenda – 24/02/2022



### UNCRC Strategic Implementation Board

Thursday 24<sup>th</sup> February 2022, 3.00 – 4.30 PM

#### Agenda

No.	Item	Lead
113.	Welcome and Apologies	Michael Chalmers, Chair
114.	Minutes and Actions from 25 November 2021 <ul style="list-style-type: none"> <li>• Paper 2 – Minutes</li> <li>• Paper 3 – Accessible Minutes</li> <li>• Paper 4 - Action Tracker</li> </ul>	Michael Chalmers, Chair
115.	UNCRC Programme Board Update. <ul style="list-style-type: none"> <li>• Monthly Highlight Report – Paper 5 (incl Programme Plan)</li> </ul>	[Redacted Section 38(1)] Children’s Rights Unit
116.	Update on progress in addressing the Supreme Court judgment	[Redacted Section 38(1)]Children’s Rights Unit
117.	Follow up on commencement paper (discussed at last meeting)	[Redacted Section 38(1)]Children’s Rights Unit
118.	Public, Voluntary and Independent Sector Duties <ul style="list-style-type: none"> <li>• Paper 6 may follow or overview will be provided verbally.</li> </ul>	[Redacted Section 38(1)], Children’s Rights Unit
119.	Update on the work of the interim consortium (Rights Right Now!) <ul style="list-style-type: none"> <li>• Paper 7</li> </ul>	[Redacted Section 38(1)], Together; [Redacted Section 38(1)], RRN; and [Redacted Section 38(1)], Children’s Rights Unit
120.	Future agenda items Prompt questions – What would the Board like to hear from SG? What would they like to hear from each other? <ul style="list-style-type: none"> <li>• Paper 8 – Draft programme plan</li> </ul>	[Redacted Section 38(1)]Children’s Rights Unit
121.	A.O.B.	Michael Chalmers, Chair
122.	Close	Michael Chalmers, Chair

## **Document 49 – SIB Paper – Public, Voluntary and Independent sector duties**

### **‘Public authorities’ and Section 6 duties in the UNCRC Bill**

The Supreme Court held that section 6, as currently drafted, is outwith legislative competence as it doesn't reflect the limits of the Scottish Parliament's powers. The Deputy First Minister has stated that his preference is to return the Bill to the Parliament for reconsideration and so we are carefully considering how to bring this section within competence. However, the main principles of section 6 are unlikely to change.

Section 6 of the UNCRC Bill is modelled on the Human Rights Act 1998 (HRA), but it is standalone and there are some important differences.

Like the HRA, the UNCRC Bill extends the section 6(1) duty beyond “core” public authorities, to any person exercising functions of a public nature. These are sometimes referred to as ‘hybrid’ public authorities. This could include private companies, charities or others. Under both the HRA and the UNCRC Bill, so-called hybrid public authorities are/will be required to act compatibly when exercising public functions, but not if the nature of the relevant act is private (section 6(5) HRA; section 6(4) UNCRC Bill).

The meaning of “functions of a public nature” is not exhaustively defined but is intended to be wider under the UNCRC Bill than under the HRA.

The first key difference is in section 6(3A), which makes clear that “functions of a public nature” includes functions carried out under a contract or other arrangement with a public authority.

The intention here is that those who provide a public function under a contract or other arrangement (such as a grant) with a public authority will be required to comply with the duty in section 6(1) and will be directly responsible and accountable for ensuring that their actions are not incompatible with the UNCRC requirements. This could cover services provided by the private sector – for example in housing, health, fostering, nursery and schooling.

The second key difference is section 6(3B), the purpose of which is to make clear that just because a particular arrangement does not involve public funding does not automatically mean that the function in question is excluded from the section 6(1) duty.

It will be for the courts to develop the interpretation of section 6 on a case-by-case basis but the intention in the UNCRC Bill is to fill some of the previous gaps that have arisen in the HRA caselaw.

### **Questions for discussion**

1. There is a complex delivery landscape with the public sector outsourcing the provision of services to the private sector . What might be required to help raise

awareness of the Bill as it applies to those acting under a contract or other arrangement with a public authority ?

2. From your own experience are there any particular services that could be particularly affected and for whom we should prioritise awareness raising?

### **Duties under Section 6**

#### *6 Acts of public authorities to be compatible with the UNCRC requirements*

*(1) It is unlawful for a public authority to act in a way which is incompatible with the UNCRC requirements.*

*(2) In subsection (1), “act” includes fail to act.*

*(3) In this section, “public authority”—*

*(a) includes, in particular—*

*(i) the Scottish Ministers,*

*(ii) a court or tribunal,*

*(iii) any person certain of whose functions are functions of a public nature (but see subsection (4)),*

*(b) does not include the Scottish Parliament or a person carrying out functions in connection with proceedings in the Scottish Parliament.*

*(3A) For the purposes of subsection (3)(a)(iii), “functions of a public nature” includes, in particular, functions carried out under a contract or other arrangement with a public authority.*

*(3B) Functions are not excluded from being functions of a public nature for the purposes of subsection (3)(a)(iii) solely because they are not publicly funded.*

*(4) In relation to a particular act, a person is not a public authority by virtue only of subsection (3)(a)(iii) if the nature of the act is private.*

*Rights Right Now!:*

*Interim Children & Young People's Consortium*

## **Update for the Strategic Implementation Board**

*February 2022*

### **About Rights Right Now! (Interim Children and Young People's Consortium)**

The Interim Children and Young People's Consortium is a pilot project to ensure children and young people are at the heart of the Strategic Implementation Board's (SIB) collective leadership and decision-making. The Interim Consortium is coordinated by Together (Scottish Alliance for Children's Rights) in partnership with six Together members: Aberlour, Carers Trust Scotland, Children in Scotland, Scottish Commission for Learning Disability, Scottish Youth Parliament, Who Cares? Scotland. These partner organisations have trusting relationships with children and young people who have been involved in the UNCRC Bill and have committed to strengthen SIB's capacity to involve children and young people with a broad range of experiences and background in its work.

### **Meeting #6 – Thursday 17<sup>th</sup> February**

The sixth meeting was attended by 10 children and young people from across the partner organisations alongside participation workers. They were joined by **[Redacted Section 38(1)]**, Social Work Scotland and **[Redacted Section 38(1)]**, Parenting Across Scotland from the Strategic Implementation Board (SIB) alongside **[Redacted Section 38(1)]**, **[Redacted Section 38(1)]** and **[Redacted Section 38(1)]** from the Empowering Children and Young People Team. During this meeting the group shared their thoughts on what they would like to see happen after they have shared their views with decision makers. They were also updated about what would happen next regarding questions for the national survey and explored how they can get involved with a research project to inform the national awareness raising campaign. The group also had some time to share their favourite animal, food, smells, and ways that they like to relax!

### *Theory of Change*

In early February, 5 young people from 5 of the partner organisations attended an additional session facilitated by Matter of Focus. This was a dedicated session to help feed children and young people's views into the development of the Theory of Change. Young people explored two key questions which focused on:

- **“What would daily life be like with young people experiencing their rights as set out in the UNCRC?”**

- **“How can children and young people learn about their rights?”**

During the session, children and young people shared some of the things they were concerned about these included: armed forces recruitment, feeling targeted by the police, feeling unsafe and unsupported in school settings, the need for early intervention to support mental health, negative experiences of social work.

They also made suggestions about what would help us move towards a rights respecting culture. We heard that children's rights should be integrated into the curriculum; there should be different ways to learn about

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rights; adults need to model a children's rights based approach and professional training should include children's rights.

One significant thing that was spoken about during the session was the challenges children and young people can experience when speaking to adults about their rights. Significantly, one young

person shared that on some occasions, interactions with decision makers can be “**daunting, stressful and emotionally draining**”. We also heard about the importance of children and young person to adult ratios. Young people expressed that too many adults can feel intimidating. Key findings from this session were used to develop the programme for the following session to explore this in more depth.

#### *Empowering Children and Young People Team Update*

[Redacted Section 38(1)] started the session by providing feedback on how the views of children and young people (shared during previous preparatory meetings and sessions) have informed the development of the survey questions. He explained that he had used their feedback to develop both the questions and the methods for gathering this feedback. However, [Redacted Section 38(1)] told the group to look at the questions and select the top four ones they think should be included. He explained that this survey is going to be shared through schools with third year pupils. At the session, one of the young people felt that it would be good if children in primary could participate. Another young person highlighted that it is important to get the perspective of children and young people not in school settings. Later in the session, [Redacted Section 38(1)] and [Redacted Section 38(1)] lead a section on how Rights Right Now! can get involved in the development of a national rights awareness campaign.

#### *Interacting with decision makers*

Part of the session included an opportunity to split into smaller breakout groups to explore children and young people’s experiences of engaging with decision makers. We heard that developing relationships with children and young people was important for young people to feel comfortable “**it helps if you get to know them first!**”. It was important that young people were in environments where they feel safe, Rights Right Now! was identified as a good example of this. Asking questions was suggested as a way of showing that adults are actively listening to what children and young people are saying. They also felt it was important that adults share the key actions they will take after they have spoken to them. This should include the key dates and timelines “**a timeline makes you feel they will follow through**”.

Children and young people shared that it can be “**challenging**” because they had to think of “**how to make change**”. Young people highlighted that in some instances when adults have challenged their experiences “**try to trip you up**” and this can feel “**off-putting and aggressive**”.

#### *Feedback Loops*

Repeatedly we heard that children and young people want to see evidence of action and change once they have shared their views:

**“To see your views impact future planning and decisions”**

**“Important to feel listen to and heard. It is good to know that what you have said will influence the way that adults work with children in the future”**

Examples were provided of times when they had been involved in work where their views led to action and times when they didn’t hear anything afterwards. These included: being involved in organisational interview panels, engagement around the UNCRC Bill, challenging school policies, working with NHS Education Scotland to develop resources, staff training for professional in the care system.

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It was highlighted that it can be frustrating if children and young people don’t hear back about what will happen with their views. Adults should be honest when they aren’t able to make decisions that children and young people have called for. It is important that they explain the reasons for their decisions and let them ask questions.

#### *Rights Awareness- Social Media Campaign*

[Redacted Section 38(1)] and [Redacted Section 38(1)] from the Empowering Children and Young People team introduced their work to develop a National Rights Awareness campaign. They explained that there would be two or three sessions where Rights Right Now! can get

involved by taking part in a social media research project. They spoke about the importance of messages being interesting, engaging and eye catching. This included sharing a video and images. The group split into smaller breakouts to think of example of engaging information campaigns. Children and young people spoke about campaigns that they found engaging. These were campaigns that had serious messages, evoked emotional responses and made them stop and reflect on important issues. Children and young people spoke about seeing films on the television, at the cinema and on social media including Tik Tok and Instagram.

### **For Consideration for the Strategic Implementation Board**

Children and young people spent some time explaining what it feels like to engage with decision makers in all aspects of their life. They shared examples of good practice and highlighted the impact of negative experiences.

### **What professional training and support is required for adults including decision makers to respond meaningfully to children when they speak up about their rights?**

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### **Next Steps**

The final full meeting of Rights Right Now! will take place on **Saturday 19th March** and is planned to take place in person. This meeting will provide the opportunity for children and young people to meet each other, including supportive adults, in person. The focus for this session will be to feedback to the young people, capture their views on being involved in Rights Right Now! and to celebrate their achievements. There will also be an opportunity to think about how they can continue to be involved with the development of the national rights awareness campaign as well as exploring other potential opportunities. In advance of the session partner organisations will undertake preparatory questions and activities to support the young people to attend.

### **18th February 2022**

*For further information, please contact [Redacted Section 38(1)] , Participation Lead*

**Together (Scottish Alliance for Children's Rights)**

*Email: [Redacted Section 38(1)] Web: [www.togetherscotland.org.uk](http://www.togetherscotland.org.uk) Twitter: @together\_sacr*

*Together (Scottish Alliance for Children's Rights), The Melting Pot, 15 Calton Road, Edinburgh, EH8 8DL*



## SIB Paper 8 – Draft Programme Plan - UNCRC Implementation

Following publication of our three year Action Plan in November 2021, Scottish Government officials have been developing a UNCRC Implementation Programme Plan which will set out: the full range of programme deliverables for incorporation and implementation; milestones to track and measure our progress; and risks that could affect the delivery of benefits.

Target dates for deliverables relating to incorporation are estimates at this stage, however, we are able to provide indicative timeframes for the production of statutory and non-statutory guidance. Where possible, target dates for delivery of additional supporting resources will be set.

The programme plan will be finalised over the next few weeks before being shared with the SIB, with a view to it being used as a tool for the SIB to monitor progress towards key deliverables. The tables below sets out our early thinking in relation to some of the key deliverables for each of the four stands of the implementation programme.

### **EMBEDDING CHILDREN’S RIGHTS IN PUBLIC SERVICES**

<b>COMMITMENT</b>	<b>DELIVERABLE</b>	<b>TARGET DATE</b>
Produce guidance for public authorities, and those undertaking functions of a public nature, to implement the UNCRC.	Publication of Statutory Guidance on UNCRC Part 2 for duties on public authorities.	At a minimum 4 months from Royal Assent but may require up to 6 months depending on nature of the consultation.
	Publication of Statutory Guidance on UNCRC Part 3 for public authorities (reporting requirements).	At a minimum 4 months from Royal Assent but may require up to 6 months depending on nature of the consultation.
Produce a wide range of information and guidance resources aimed at raising public awareness to increase individuals’	Launch CYP version of statutory guidance (Part 2 and 3).	3 months from publication of the standard guidance, to work with partners and

understanding of children's rights.		CYP to produce.
	Launch of animated version of Phase 1 Guidance that was published in Nov 2021.	01/06/2022
Develop a National Improvement Programme, which will include an approach to self-evaluation, and the creation of an Innovation Fund to provide financial support for testing and implementing creative approaches to embedding children's rights.	Launch National Leadership Forum for Children's Rights	01/06/2022
	Launch an Innovation Fund to provide financial support for testing and implementing creative approaches to embedding children's rights	01/11/2022 (subject to procurement timetable)
Develop a Children's Rights Skills and Knowledge Framework to support capacity building in public services in taking a child's rights approach in practice to drive forward the culture change required	Launch a Children's Rights Skills and Knowledge Framework.	31/03/2023 (subject to procurement timetable)

### **EMPOWERING CHILDREN AND YOUNG PEOPLE TO CLAIM THEIR RIGHTS**

<b>COMMITMENT</b>	<b>DELIVERABLE</b>	<b>TARGET DATE</b>
Establishing a consortium of organisations to support a sustainable, meaningful and inclusive approach to participation of children and young people in decision-making	Establish a consortium (to replace the interim consortium).	31/04/2022
Use, and promote the use of, inclusive ways of communicating that ensure that children are able to receive information and express themselves in ways that best meet their needs (in relation to speech, language or otherwise).	Produce guidance for wider sector on how to make products accessible for children and young people.	30/05/2022
	Publish National Participation for CYP guidance to complement public authority guidance.	31/03/2023
Co-creating a national awareness raising campaign for children's	Launch national media campaign to raise awareness of UNCRC.	31/01/2023

<p>rights with children and families, to ensure that children, young people, their families and all of Scottish society are aware of and understand the UNCRC, and to support them to be rights defenders</p> <p>Produce a wide range of information and guidance resources aimed at raising public awareness to increase individuals' understanding of children's rights.</p>		
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### **CHILDREN'S RIGHTS RESOLUTION**

<b>COMMITMENT</b>	<b>DELIVERABLE</b>	<b>TARGET DATE</b>
Work in partnership with stakeholders to identify and progress other areas which we know can currently hinder effective access to justice.	Submit Scottish Government policy advice to the Scottish Civil Justice Council and Criminal Courts Rules Council on amendments to court rules which may be required to enable provisions of the UNCRC Bill, which relate to the function of the courts.	To be agreed by respective Councils 6 months before the commencement of relevant provisions. Policy advice to be worked up between Parliament passing the Bill and commencement.
Work with the Scottish Public Services Ombudsman to develop a child-friendly complaints process to ensure children and young people are able to access their rights	Scottish Public Services Ombudsman produces guidance on child friendly complaints, creating child friendly materials and a self-assessment tool.	31/03/2023
	Scottish Public Services Ombudsman produces additional tools to support child-friendly complaints including digital modules and in-person training .	31/03/2024
Identify and address any situation where a child's rights are (or are at a	Publication of comprehensive Scottish Government Position Statement on the UN Committee's	30/07/2022

significant risk of) not being fulfilled	List of Issues Prior to Reporting (LOIPR).	
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### **SCOTTISH GOVERNMENT LEADERSHIP FOR CHILDREN'S RIGHTS**

<b>COMMITMENT</b>	<b>DELIVERABLE</b>	<b>TARGET DATE</b>
Promoting the importance and adoption of Child Rights and Wellbeing Impact Assessments (CRWIAs) and continuing work to improve CRWIA training and develop an impact evaluation process	Developing an impact evaluation process for the CRWIA - (CRWIA evaluation).	31/03/2023
Consulting on, and publishing, a Children's Rights Scheme which will set out how Scottish Government will give better and further effect to the rights of children.	Publication of first Children's Rights Scheme	At a minimum 4 months from Royal Assent but may require up to 6 months depending on nature of the consultation.
Develop and deliver a strategic plan for raising awareness and training on the UNCRC and children's rights across the Scottish Government and its agencies.	Undertake a workforce needs analysis and agree actions to address skills/knowledge gap.	TBC

**Document 52 – SIB Agenda – March 2023**



**UNCRC Strategic Implementation Board**

**Thursday 31<sup>st</sup> March 2022, 3.00 – 4.30 PM**

**Agenda**

<b>No</b>	<b>Item</b>	<b>Lead</b>
<b>123.</b>	Welcome and Apologies	Michael Chalmers, Chair
<b>124.</b>	Minutes and Actions from last meeting <ul style="list-style-type: none"> <li>• <i>Paper 2 – Minutes</i></li> <li>• <i>Paper 3 – Accessible Minutes</i></li> <li>• <i>Paper 4 - Action Tracker</i></li> </ul>	Michael Chalmers, Chair
<b>125.</b>	UNCRC Programme Board Update. <ul style="list-style-type: none"> <li>• <i>Monthly Highlight Report – Paper 5</i></li> </ul>	<b>[Redacted Section 38(1)],</b> Children’s Right Unit
<b>126.</b>	Update on progress in addressing the Supreme Court judgment	<b>[Redacted Section 38(1)],</b> Children’s Rights Unit
<b>127.</b>	Update on refining terms of reference of the Board	<b>[Redacted Section 38(1)],</b> Children’s Rights Unit
<b>128.</b>	Overview of the Lundy Model of Participation	<b>[Redacted Section 38(1)],</b> Queen’s University Belfast
<b>129.</b>	Feedback on the Skills and Knowledge Framework and the Innovation Fund	<b>[Redacted Section 38(1)],</b> Children’s Rights Unit
<b>130.</b>	Update from Together/Rights Right Now!	CYP from RRN! and <b>[Redacted Section 38(1)]</b> from Together
<b>131.</b>	A.O.B.	Michael Chalmers, Chair
<b>132.</b>	Close	Michael Chalmers, Chair

## **Document 53 – Consortium top tips from CYP – 31/03/23**

### • Top Tips for working with the Children and Young People's Consortium:

- Here are some of our top tips. We will keep adding to this as we get to know each other and decide what works best!
  - When you join us, please be warm and friendly. Here's some of our suggestions: □ Don't dress too formal – we prefer it if you dress casually.
  - Be conscious of your body language using things like smiling and nodding or other facial expressions to let us know you are listening/hearing what we are saying. You could also use the emoji reaction buttons if we are online! □ If we are online, please:
    - Put your first name on the screen.
    - keep your camera on - as it's difficult to talk to a blank screen – but understand that we might need to turn ours off if we are feeling uncomfortable.
    - look at us (please check where your camera is and if you are using two screens then please look at the one with the camera - so we don't think you are looking away from us )
    - Listen (even when we are quiet), don't interrupt and respect everyone's opinions.
    - Give us extra time for thinking and don't put us on the spot.
    - Make adaptations for everyone to help us understand e.g. by using simple words and language, visuals, subtitles, etc. Please don't use acronyms - as a lot of the time we don't know what they mean!!
  - Be an active part of our meetings, taking part in the ice-breakers, maybe even leading some of the activities (as long as you work closely with the people we know!) so we don't feel as if we are in a fish bowl with you just looking on, or taking notes!
    - Have FUN with us...it's important and will help us get to know each other, build trust and work together.
    - Encourage us to share our thoughts and views, rather than our personal stories.
    - Teamwork - be ready to try doing things differently!
    - Our right to privacy - Social Media – we ask that you don't share any identifiable information (photos etc) on any social media platforms. There are many reasons for this which one of the workers can explain.
  - If you meet us outside, please be mindful of our confidentiality and allow us to make an approach to you if we want to, rather than the other way round. Please understand that we might not acknowledge you depending on our situation.
  - Always be kind.

## **Document 55 – SIB Accessible Minutes – March 2022**

### **UNCRC Strategic Implementation Board**

#### **Minutes of Meeting – Thursday 31<sup>st</sup> March 2022, 15:00-16:30**

## Accessible Version

### What is the Strategic Implementation Board?

The Strategic Implementation Board (or SIB, for short) is a group of people that meet every month to support the Government to make the [United Nations Convention on the Rights of the Child](#) part of Scots law and put in place support for organisations, children and young people and their families to help ensure that children's rights are respected. They discuss whether the work that's required is on track and help to resolve any problems that are encountered in trying to make this happen. There are people on the SIB from Police, Education, Health, Social Work, Children's rights organisations, and the Scottish Government.

### What was discussed at this meeting?

- The Children's Rights Team in the Scottish Government gave an update on the work they have delivered since the last SIB meeting. The SIB were told that the 2001 Cabinet Takeover report and commitments from the 2001 takeover will be published in the next month. The Cabinet Takeover is an opportunity for Scotland's children and young people to have their rights realised as the Scottish Government listen to speeches from children and young people and act on the calls made by Members of the Scottish Youth Parliament (MSYPs) and Children's Parliament (MCPs).
- The SIB were told that the month of March marked a year since the UNCRC Bill was passed by the parliament and that conversations will continue to make sure it proceeds quickly through parliament.
- The SIB were introduced to Professor **[Redacted Section 38(1)]**, who shared her 'model of participation' which helps to make it easier for children and young people to engage with policy makers.
- Professor **[Redacted Section 38(1)]** stated that there are 4 main aspects to this model:

- Space: safe, comfortable spaces including all children and young people are needed for meaningful participation.
  - Voice: Participation must be voluntary; making sure there is understanding of the issues to allow for informed views; and giving all children and young people the right to be heard.
  - Audience: Active listening; informing children of who is asking questions and why; those asking need to show they are listening and what they are going to do with this information.
  - Influence: Being realistic with children about what they can do.
- Professor **[Redacted Section 38(1)]** told the SIB that this work has been ongoing since 2012. There has been great funding, training and children involved at all levels but there is room for improvement.
  - **[Redacted Section 38(1)]** and **[Redacted Section 38(1)]**, two young people that are members of Rights Right Now! (RRN!) joined the SIB meeting and shared their views on the work that the SIB do and offered some ideas for next steps of the main children consortium.
  - **[Redacted Section 38(1)]** and **[Redacted Section 38(1)]** discussed why they got involved in this work, they wanted to make a difference and thought it was important that everybody knew about children's rights. They said that children of all ages from across Scotland took part in these meetings. They often involved discussions about issues they cared about. They mentioned that people from the Scottish Government came to speak with them at these meeting.
  - When asked if they had a message to those working with or for children, both said it would be good to involve teachers - either through bringing them along to the SIB meetings or by including children's rights in the curriculum.
  - When asked what they would like to see change in the Scottish Government they said that they would like to see more people be aware



of children's rights and also to see children be more involved in decisions that affect them as these issues will impact them for a long time.

- The SIB received feedback from Police Scotland and North Lanarkshire Council on the 'Innovation Fund' which is being set up to support organisations try new ways of promoting children's rights. The feedback received was mainly positive, but there was discussion on how to reach the children who are furthest away from their rights.
- The SIB heard that there would not be a meeting in April and the next meeting of the SIB would be on the 26th May.

**The next meeting is:**

**Thursday 26<sup>th</sup> May, 3 PM.**

## Document 56 – SIB Highlight Report – August 2022

<p><b>Programme Description:</b> This is a three-year programme to further embed the UNCRC into policy and practice in Scotland and deliver the provisions in the UNCRC (Incorporation)(Scotland) Bill.</p>	<p><b>Reporting Period:</b> August 2022</p>	<p><b>Overall RAG Status: RED.</b> To reflect the delay to the UNCRC Bill receiving Royal Assent.</p>
<p><b>Progress Past Month</b></p>	<p><b>Priorities Next Month</b></p>	
<ul style="list-style-type: none"> <li>• Continued drafting of amendments to the UNCRC Bill.</li> <li>• Have begun plans to initiate further market analysis to inform the redevelopment of the Innovation Fund spec, with a view to having contract go-live by April 2023.</li> <li>• We awarded the Skills and Knowledge Framework contract. The supplier for this work will be a partnership, with JRS Knowhow as the lead organisation, working with JustRight Scotland, Together and Children’s Parliament.</li> <li>• Continued work on sections of statutory guidance for Part 2 and 3 of the UNCRC Bill that are not dependent on remedial action.</li> <li>• Have completed analysis of responses from stakeholders on options to transition Children’s Rights Reporting from the Children and Young People (Scotland) Act 2014 to the UNCRC Bill.</li> <li>• Issued 2<sup>nd</sup> edition of the ‘Programme Update’ to a wide range of public authorities.</li> <li>• We have confirmed the new arrangements for the Spec for the Consortium to be reissued.</li> <li>• The approach to the National Campaign has been agreed by the Comms Network and the Children’s Rights Unit.</li> <li>• The Marketing brief for the Parents booklet is now with the external Marketing organisation.</li> <li>• Shared updated draft policy paper on changes to civil court rules with LPPO, SCTS and SCJC Secretariat. Progressed work on criminal court rules policy paper.</li> </ul>	<ul style="list-style-type: none"> <li>• Share amendments to the UNCRC Bill with relevant Ministers for clearance. Engagement with parliament officials to test admissibility of amendments at Reconsideration Stage. Engagement with UK Government to test risk of further challenge</li> <li>• Continue with market engagement to inform revised procurement exercise for the Innovation Fund.</li> <li>• Kick off meetings and planning work with Skills and Knowledge Framework supplier.</li> <li>• Continue to work on sections of statutory guidance for Part 2 and 3 of the UNCRC Bill that are not dependent on remedial action.</li> <li>• Continue work to establish transitional arrangements for child rights reporting.</li> <li>• Discuss draft civil court rules paper and implications of commencement of the Bill with SCTS, LPPO and SCJC Secretariat. Continue to progress criminal court rules paper.</li> <li>• Meet with the Judicial Institute re training for the Judiciary (w/c 15 August).</li> <li>• Continue to engage with colleagues across SG on areas that link into child rights budgeting to support delivery of the Children’s Rights Scheme.</li> <li>• Continue to progress the Scottish Position Statement on LOIPR including hearing the child’s voice on key issues.</li> <li>• Meet with policy colleagues and The Promise lead on advocacy service project.</li> <li>• Take steps to agree key messaging for the National Campaign with the Comms network by gathering data from current Awareness Raising work. Concepts/ designs by the external Marketing organisation for the parents booklet will be shared with the Empowering CYP team. Start a co-produced project with Young Scot to create a social media campaign with their young ambassadors. All this work connects to the development of the National Awareness Raising Campaign</li> </ul>	

<ul style="list-style-type: none"> <li>Progressed the contribution for the Children’s Rights Scheme and statutory guidance in relation to children’s rights budgeting including engagement with public finance, equalities and mainstreaming diversity colleagues. Met with the child rights budgeting subgroup of the Children’s Sector Strategic and Policy Forum and colleagues leading on Open Government and the National Performance Framework review.</li> <li>Policy colleagues have provided comment and updated information for the draft Scottish Position Statement to the LOIPR.</li> </ul>	<ul style="list-style-type: none"> <li>We will continue to produce programmes to champion meaningful participation with the Scottish Youth Parliament(SYP) delivering a session to policy colleagues who are delivering the 2022 Cabinet Commitments. SYP will also begin their shadowing project where policy leads shadow a young person to learn from their experience.</li> </ul>	
<b>Progress Against Planned Outputs in the programme plan for next 12 months</b>		
<p>Consortium in Place that ensures CYP's voices are being meaningfully heard within the implementation programme</p>	<p>Originally 31/04/2022.</p>	<p>The process of awarding the contract was delayed due to a period of clarification. No bids were awarded. The Spec will be reissued which will result in a delay to its commencement.</p>
<p>Review of advocacy provision. Identify ways to strengthen advocacy provision</p>	<p>Internal mapping commission - completed in May 2022.</p>	<p>External mapping conversations progressed re collaborative working to deliver The Promise recommendation - to scope a national lifelong advocacy service for care experienced people and advocacy for families coming into contact with the care system. The Promise Scotland will present recommendations to Scottish Ministers for consideration by the end of 2023</p>
<p>Launch of animated version of Phase 1 Guidance that was published in Nov 2021.</p>	<p>30/06/2022 - now expected to be 15/08/2022 as young people needed additional time to work on script.</p>	<p>Feedback provided on first cut of animated film. Final version of the film with professional voice over and sound effects due week starting 15<sup>th</sup> August</p>

Parents Network, Booklet and Research. The Network will be a group of parenting orgs, and SG colleagues interested in how we create resources and guidance for parents, carers, and families (PCF). The first output is a new booklet targeted directly at PCF but we expect more will be needed and for bespoke groups such as those with children in the care system or justice system.	01/10/2022	The booklet frame is with an external agency who will write the copy supported by Marketing colleagues. Target date is confirmed and we are confident it will be published then.
Launch an Innovation Fund.	10/10/2022 - delayed until next financial year	The Innovation Fund has been delayed to financial year 23/24 after procurement exercise failed to secure a fund administrator. Review completed and planning commenced for a second procurement round.
Publication of comprehensive Scottish Government Position Statement on the UN Committee's List of Issues Prior to Reporting (LOIR).	31/10/2022	Work progressing. SG colleagues have commented and added to a draft. Draft to be amended and further input sought. Further consideration around the child's voice including reviewing what children and young people have already told us on key issues.
Work alongside Young Scot to co-create a social media campaign with and for young people.	Oct 22	Good example of partnership with grant org and co-creation with YP. Initial session delivered with YP on Aug 16 <sup>th</sup> .
Publication of annual progress report on the Progressing the Human Rights of Children in Scotland: An Action Plan 2021-2024	20/11/2022	To be commissioned
Launch national campaign to raise awareness of children's rights	31/01/2023	Comms Network has agreed approach. We are engaging with Marketing and Comms colleagues who are offering advice. In the processes of agreeing main messages.
Launch Skills and Knowledge Framework.	31/03/2023	Contract awarded, planning work underway.
Scottish Public Services Ombudsman produce guidance on child friendly complaints and creating child friendly materials and a self-assessment tool. To be implemented under SPSO's model complaints handling. This will include providing guidance, support and training to public bodies in developing and delivering child friendly complaints processes, as well as providing support for	31/03/2023	Under current plans SPSO will publish guidance to allow for it to be in force by 1 April 2023. Public bodies under the jurisdiction of SPSO will be supported to achieve compliance by 1 April 2024.

children and young people themselves, and those who support children and young people, in particular parents, guardians, third-sector organisations and advocates.		
Publish National Participation for CYP guidance to complement public authority guidance.	31/04/2023	SYP have already started to create draft resources, collect case studies, and work with the policy areas. We are speaking to the digital team about the platform this could sit on. Potential to have a wider SG participation webpage.
Scottish Youth Parliament - Policy Project. Working alongside SYP to engage with YP and three policy areas to create a series of resources through live projects. Wider capacity building and AR are other outcomes.	April 23	Feedback all positive. Project deliverable are on track.
Prepare for UN Committee examination of UK State Party	February-May 2023	UK examination now reschedule until May 23. Preparation will begin in February 23.
SG policy advice submitted to the Scottish Civil Justice Council and Criminal Courts Rules Council on amendments to court rules which may be required to enable provisions of the UNCRC Bill, which relate to the function of the courts.	Needs to be agreed by respective Councils at least 6 months before the commencement of relevant provisions. Policy advice to be finalised between Parliament passing the Bill and	Civil Court rules paper drafted as far as possible and shared with SCTS, LPPO and SCJC Secretariat but will require further amendment as the Bill progresses Reconsideration Stage and finalised between Parliament passing the Bill and Royal Assent. Criminal Court rules paper reviewed but will require further consideration.

	Royal Assent.	
Publication of Statutory Guidance on UNCRC Part 2 for duties on public authorities.	At a minimum 4 months from RA but may require up to 6 months depending on nature of the consultation .	Preparatory work continues but need clarity of final duties in the Bill. The fifth meeting of the sub-group was held on 9th August. The next meeting is 13 <sup>th</sup> September.
Publication of Statutory Guidance on UNCRC Part 3 for public authorities (reporting requirements).	At a minimum 4 months from RA but may require up to 6 months depending on nature of the consultation .	As above
Publication of first Children's Rights Scheme	Prior to commencement of the Act (6 months post RA).	Progressing work on content. Planning and timetable subject to Bill progress.

# Theory of Change for Making Children's Rights Real in Scotland

A partnership project led by the Observatory of Children's Human Rights Scotland, Matter of Focus and Public Health Scotland

*June 2022*

Since the Scottish Parliament made the landmark decision to bring the United Nations Convention on the Rights of the Child (UNCRC) into Scots law,<sup>1</sup> many people and organisations in Scotland have been thinking about how to prepare for this. Bringing the UNCRC into law is called 'incorporation' and making it real for people's lives is called 'implementation'.

The UNCRC recognises that children have rights (they are 'rights holders'). Those with legal responsibilities to ensure children's rights are respected, protected and fulfilled are called 'duty bearers'.

The UNCRC is the global standard for children's rights which sets out the rights of all children. All the rights are connected, they are all equally important and they cannot be taken away from children.

## How will we make children's rights real in Scotland?

Our project has brought together experts on children's rights and many people whose work has an impact on children and young people. We talked to children and young people who have been working on UNCRC implementation and have built up their own knowledge and experience of this work. Together we have talked about how the UNCRC will be put into practice and embedded in Scotland. Echoing what many children and young people have said before, they told us how important it was:

For them to experience their rights being met across all aspects of daily life;  
That adults learn about children's rights and lead by example, treating children and young people in ways that feel equal, respectful and responsive.

Hearing from over 60 organisations, we have created a 'Theory of Change'. This is a vision for how children's rights can be realised across the country, showing the different journeys towards this vision. We commissioned evidence papers to look at what is already known about embedding children's rights and how to approach similar kinds of large-scale changes. These papers gave us important information about the gaps in current knowledge and some of the challenges that we might expect to see.

This short document gives a summary of what the vision looks like. We also have a longer report and an interactive, online report which can be viewed in OutNav,

software developed by Matter of Focus to hold outcome maps. These show the Theory of Change in full.

## **Changing the system to make children's rights real**

To realise children's rights, in all settings and for all children and young people, is a long-term project. It requires:

Changes to policy, law and how budgets are decided;

Changes to how people work and how people think about their work;

Valuing children and young people; and

Making sure we have effective systems to protect children's rights and provide timely and effective solutions if their rights are not being met.

This kind of large-scale change is often thought of as 'system change'. To support such change, we need to:

Reach out to people's hearts and minds so that they really want to do this;

Work with people, not on them, so they feel they own this work;

Provide leadership around the values and principles of this work;

Create the kinds of environments that help individuals put into practice the changes we want to see;

Listen at all levels in the system and share responsibility across sectors.

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## **The Theory of Change**

It has been challenging to set out all of the changes needed so that it is both clear and simple enough to use yet includes all of the important parts. To get this balance we have made four 'outcome maps' that highlight each area of change. An 'outcome map' is a flexible tool that connects up the actions you take with the results you expect to see. It is simple enough to be practical and complex enough to highlight the different possible journeys through the change.

The choice of these four areas was guided by expert input to the project and the evidence that is available to support each of these. Policy - This includes policy adaptation, coordination, administrative integration and budgetary consideration

Capacity - This includes building cross-sector capacity and capability to integrate rights-based ways of working

Culture - This includes changing attitudes, norms, values and everyday actions

Empowerment - This includes ensuring a system of information, advocacy, complaints, redress and effective remedy for children and young people



## Document 58 – SIB Highlight Report – September 2022

<p><b>Programme Description:</b> This is a three-year programme to further embed the UNCRC into policy and practice in Scotland and deliver the provisions in the UNCRC (Incorporation)(Scotland) Bill.</p>	<p><b>Reporting Period:</b> September 2022</p>	<p><b>Overall RAG Status: RED.</b> To reflect the delay to the UNCRC Bill receiving Royal Assent.</p>
<p><b>Progress Past Month</b></p>	<p><b>Priorities Next Month</b></p>	
<ul style="list-style-type: none"> <li>• <b>UNCRC Bill</b> - Ministers have now cleared draft amendments. Currently engaging with UK Government to test and reduce the risk of further challenge and engaging with parliament officials to test admissibility of amendments at Reconsideration Stage.</li> <li>• Continued with market engagement to inform revised procurement exercise for the Innovation Fund.</li> <li>• Kick off meetings and planning work with Skills and Knowledge Framework supplier to agree ways of working and project governance.</li> <li>• Continued to work on sections of statutory guidance for Part 2 and 3 of the UNCRC Bill that are not dependent on remedial action.</li> <li>• Continue work to establish transitional arrangements for child rights reporting.</li> <li>• Second newsletter sent, sharing updates on incorporation, implementation and support available for public authorities.</li> <li>• Animation on UNCRC introductory guidance completed and premiered with the young people who developed the script and voiced the characters.</li> <li>• First Working Together Partnership meeting hosted by the Improvement Service (01/08/22).</li> <li>• Discussed criminal court rules paper with secretariat to Criminal Court Rules Council.</li> </ul>	<ul style="list-style-type: none"> <li>• Engage with Parliament to test admissibility of amendments to the Bill and receive feedback from UK Government.</li> <li>• Agree best approach to revised procurement exercise for the Innovation Fund, informed by market engagement.</li> <li>• Meeting with Skills and Knowledge Framework supplier to review and agree more detailed project plans.</li> <li>• Continue to work on sections of statutory guidance for Part 2 and 3 of the UNCRC Bill that are not dependent on remedial action and share with policy colleagues for review.</li> <li>• Agree approach to guidance consultation and consultation on the Children’s Rights Scheme.</li> <li>• Communication to listed public authorities on the options being explored for transitional arrangements for child rights reporting.</li> <li>• Communication to relevant public authorities to prompt that Children’s rights reports for 2017-20 continue to remain due as soon as practicable, with provisions enabling their delay expiring after the 30th of September.</li> <li>• Activity around raising awareness: final draft of the parents, carers, families (PCF) booklet circulated to the PCF network for comment. Parent Club colleagues are developing a landing page and social media campaign to support the launch of the booklet once the Bill receives Royal Assent. Data and research collated to provide baseline for the National Campaign. Young Scot social media campaign is being created.</li> <li>• Participation Activity: Continue to support SYP to test the resources being created for the National Participation Guidance. Meet with the Pre-natal mental health team to discuss their resource around the voice of the infant and best practice guidelines.</li> <li>• Advocacy Work: Continue discussions with the Promise around a national advocacy mapping exercise.</li> </ul>	

<ul style="list-style-type: none"> <li>• Met with the Judicial Institute re training for the Judiciary. Judicial institute have a training pack ready to go once Bill secures Royal Assent.</li> <li>• Continued to engage with colleagues across SG on areas that link into child rights budgeting to support delivery of the Children’s Rights Scheme.</li> <li>• Continued to progress the Scottish Position Statement on LOIPR</li> <li>• Met with policy colleagues and The Promise lead on advocacy service project.</li> <li>• The Comms Network met to look at key messaging for the National Campaign and started to gather data from current Awareness Raising work. Concepts/designs by the external Marketing organisation for the parents booklet were shared with the Empowering CYP team. Started a co-produced project with Young Scot to create a social media campaign with their young ambassadors. All this work connects to the development of the National Awareness Raising Campaign</li> <li>• We continued to produce programmes to champion meaningful participation with the Scottish Youth Parliament (SYP) by delivering a session to policy colleagues who are delivering the 2022 Cabinet Commitments. SYP have begun their shadowing project where policy leads shadow a young person to learn from their experience.</li> </ul>	<ul style="list-style-type: none"> <li>• Agree how soon we can socialise the court rules paper with relevant court rules councils.</li> </ul>
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**Progress Against Planned Outputs in the programme plan for next 12 months**

<b>Output</b>	<b>Target Date</b>	<b>RAG Status and Updates</b>
Parents Network, Booklet and Research. The Network will be a group of parenting orgs, and SG colleagues interested in how we create resources and guidance for parents, carers, and families (PCF). The first output is a new booklet targeted directly at PCF but we expect more will be needed	01/10/2022	The booklet frame is with an external agency who will write the copy supported by Marketing colleagues. The intention is now to publish a digital version in October and paper version after the Bill secures Royal Assent.

and for bespoke groups such as those with children in the care system or justice system.		
Work alongside Young Scot to co-create a social media campaign with and for young people.	Oct 2022	Good example of partnership with grant organisation and co-creation with YP.
Publication of comprehensive Scottish Government Position Statement on the UN Committee's List of Issues Prior to Reporting (LOIPR).	31/10/2022	Work underway but now proposing to publish around World Children's Day on 20 Nov as a substitute for the annual progress report and to reflect the delay to UN Committee examination (see below).
Launch national campaign to raise awareness of children's rights	31/01/2023	Work begun with the Comms Network to explore possible approaches. We are engaging with Marketing and Comms colleagues who are offering advice.
Prepare for UN Committee examination of UK State Party	Feb-May 2023	UK examination now reschedule until May 23. Preparation will begin in February 23.
Launch Skills and Knowledge Framework.	31/03/2023	Suppliers appointed, kick off meeting has taken place.
Scottish Public Services Ombudsman produce guidance on child friendly complaints and creating child friendly materials and a self assessment tool. To be implemented under SPSO's model complaints handling. This will include providing guidance, support and training to public bodies in developing and delivering child friendly complaints processes, as well as providing support for children and young people themselves, and those who support children and young people, in particular parents, guardians, third-sector organisations and advocates.	31/03/2023	SPSO have advised that they are working towards target date of model procedures going live by 31/03/23.
Consortium in Place that ensures CYP's voices are being meaningfully heard within the implementation programme	April 2023.	Procurement process will start again in late 2022. Expectation to have Consortium coordinator in place by April 2023.
Scottish Youth Parliament - Policy Project. Working alongside SYP to engage with YP and three policy areas to create a series of resources through live projects. Wider capacity building and AR are other outcomes.	April 2023	Feedback all positive. Project deliverable are on track.

Publish National Participation for CYP guidance to complement public authority guidance.	31/04/2023	On track. Scottish Youth Parliament (SYP) continue to test out resources with policy areas across SG. Consideration being given to ensure the resource has reach beyond the SYP age range, i.e. 14 – 25. Meeting pre-natal mental health team to look at their ‘voice of the infant’ guidelines.
Launch an Innovation Fund (contracted April 2023)	June 2023	Will launch next financial year. We are currently considering the best approach to taking this forward.
Participation Blog will raise awareness of ongoing participation work within the CRU. It aims to offer guidance and support to those looking to undertake participation with CYP.	ongoing	Ongoing. Tracking data to assess impact.
UNCRC Comms Network - bimonthly meetings to ensure sector buy-in and co-creation of National Campaign	ongoing	Meetings are going well. Diverse cross section of sector.
Child Employment and Child Performance Guidance. Ensure the general public and organisations are provided with the correct support and guidance around the employment of under 16 and children involved in the entertainment industry.	ongoing	N/A - ongoing - dealing with requests when received.
Takeover Model - This ongoing programme of work delivers three key strategic meetings and a host of systemic interventions to build a culture of participation in SG. One Cabinet Meeting, one Children’s ET meeting, and one YP ET meeting. Annual Cabinet Commitments and Report. A series of meetings and dev sessions with policy areas.	ongoing	The new approach to delivering the Takeovers is enabling more conversations to happening across SG - embedding and raising awareness.
SG policy advice submitted to the Scottish Civil Justice Council and Criminal Courts Rules Council on amendments to court rules which may be required to enable provisions of the UNCRC Bill, which relate to the function of the courts.	Needs to be agreed by respective Councils at least 6 months before the commencement of	Civil Court rules paper drafted as far as possible but will be finalised between Parliament passing the Bill and Royal Assent. Criminal Court rules paper reviewed but will require further consideration. Discussing with secretariat to the council how best to socialise the papers so that they

	relevant provisions. Policy advice to be finalised between Parliament passing the Bill and Royal Assent.	are ready to issue as soon as possible after the Bill has passed.
Consultation and analysis on Statutory Guidance on UNCRC Parts 2 and 3 for public authorities, including consultation with children and young people.	Day after Royal Assent	Work is underway to prepare for a targeted consultation approach.
Publication of Statutory Guidance on UNCRC Part 2 for duties on public authorities.	At a minimum 4 months from RA but may require up to 6 months depending on nature of the consultation.	Preparatory work continues but need clarity of final duties in the Bill. The fifth meeting of the sub-group was held on 9 August.
Publication of Statutory Guidance on UNCRC Part 3 for public authorities (reporting requirements).		
Publication of first Children's Rights Scheme	Prior to commencement of the Act (6 months post RA).	Progressing work on content. Further content added this month and reviewed by Unit Head. Planning and timetable subject to Bill progress.

**UNCRC Strategic Implementation Board**  
**Minutes of Meeting – Tuesday 28 February 2023, 15:30 - 17:00**

**Accessible Version**



**What is the Strategic Implementation Board?**

The Strategic Implementation Board (or SIB, for short) is a group of people that meet every month.

They support the Government to make the [United Nations Convention on the Rights of the Child](#) (UNCRC) part of Scots law

They put in place support for organisations, children and young people and their families to help ensure that children's rights are made real. They discuss if the work is on track and help to resolve any problems in trying to make this happen.

There are people on the SIB from Police, Education, Health, Social Work, children's rights organisations, and the Scottish Government.



## **What was discussed at this meeting?**

### **Progress with the UNCRC Bill**

SIB were told the Scottish Government are still speaking with the UK Government about the 'compatibility duty' in the Bill. We are trying to agree in exactly what type of situations public authorities (like schools and hospitals) will be required by law to act in a way that supports children's rights.



The Minister for Children and Young People met with a group of leading Children's Rights organisations on 23<sup>rd</sup> of February 2023. She told them the Scottish Government is still committed to the UNCRC Bill. The Minister also provided them with an update on the conversations between the Scottish Government and the UK Government.

### **The Scottish Youth Parliament**

SIB got to hear from **[Redacted Section 38(1)]** and **[Redacted Section 38(1)]** from the Scottish Youth Parliament, they spoke about how their work contributes to the UNCRC programme.

**[Redacted Section 38(1)]** and **[Redacted Section 38(1)]** spoke about their project the Right Way which involves:

- Three research projects with policy areas in the Scottish Government: Violence Against Women and Girls; the Scottish Education Exchange Programme and Gambling
- Opportunities for senior officials to take part in training led by young people
- Participation support to officials when required
- Created a participation web hub framework that will launch in April 2023.

Matt told SIB that the participation web hub will be for all adults that work with young people.



The next meeting of the SIB will be held on **Tuesday 28 March 2023**  
**Document 60 – Role of SIB supporting programme priorities (updated)**

## SIB PAPER 7

### UNCRC IMPLEMENTATION – ROLE OF SIB IN SUPPORTING PROGRAMME PRIORITIES

#### BEFORE THE BILL RECEIVES ROYAL ASSENT

<b>Must – has to happen for the Bill to be passed or to allow us to meet statutory duty.</b>	<b>SIB role</b>
Ensure PAs deliver their children’s rights reports under existing legislation	None
Agree the final amendments to the Bill (including finalising engagement with the UKG)	To provide stakeholder feedback on the extent to which the amendments impact on policy intentions
First draft of the statutory guidance for the Bill	None, will be invited to provide feedback as part of wider consultation. Development of guidance being supported by Embedding Children’s Rights in Public Services Guidance Sub-Group
First draft of the Children’s Rights Scheme, including commitments	None, will be invited to provide feedback as part of wider consultation
Prepare for consultation on statutory guidance and CRS	To provide advice on general approach to consultation
Advice to Ministers about a potential legislative audit	None. Stakeholder views on this are clear but may wish to offer feedback on the findings from the audit in due course.
Finalise advice to Ministers about whether and which provisions could be commenced early	To review suggestions and offer comments ahead of advice going to Ministers
Support for Parliamentary debates on motion to reconsider and vote on	None



amendments, and potential Committee session	
Prepare for UK's constructive dialogue with the UN Committee in May	None
Development of Children's Rights Skills and Knowledge Framework	To provide feedback on structure and approach
<b>Should – will help deliver the duties in the Bill</b>	
Identify rights issues that are being highlighted by stakeholders, ensure SG senior policy leads are aware and record progress in addressing	To review list of rights issues
Develop an approach by which PAs can explore and discuss potential rights issues in practice	Review proposal and provide feedback
Raise awareness of duties within SG	None
Raise awareness of duties among public authorities	To help raise awareness within own organisation and wider networks
Develop capacity building training for public authorities	To provide feedback on approach
Roll out of new CRWIA template to SG and Executive Agencies	None
Develop CRWIA and children's rights e-learning for SG staff	None
Engage with senior leaders networks (e.g. C & F National Leadership Group) to embed a culture of children's rights compliance	To promote children's rights approach through relevant networks in which already involved and to look for opportunities to engage other networks
Engage with public authority regulation and inspection bodies to ensure they are helping to promote UNCRC compliance through their work	None
Development of a framework contract for engaging CYP in SG policy making	To be kept informed of progress
Develop guidance for public authorities on engaging CYP	None
Design a national awareness raising campaign for CYP and their families	To be kept informed and provide support with promoting the campaign assets
Review the provision of advocacy support for children's rights	To be kept updated on progress with this and provide advice about approach/next steps
SPSO develop a child-friendly complaints model	To help promote the use of this model
Develop a risk register for the programme to help establish if there's anything more we need to do to fire up the drivers of change	To help develop and review

BETWEEN THE BILL RECEIVING ROYAL ASSENT AND THE COMMENCEMENT OF THE DUTIES

<b>Must</b>	<b>SIB role</b>
SSI to amend the date of commencement of the reporting duties under the Bill and set out the transition arrangements	None
SSI setting out which provisions can commence early	None
Consultation on statutory guidance and CRS	To respond along with others
Consultation with CYP on statutory guidance and CRS	None
Revised draft statutory guidance and CRS in response to consultation feedback	To be provide advice as required. Development of statutory guidance being supported by Embedding Children's Rights in Public Services Guidance Sub-Group
Ensure that SG Bill teams are aware of legal requirement for a CRWIA and there's a process for ensuring these are in place.	None
Adapt public sector procurement and grant guidance to ensure there is clarity about duties for those delivering services on behalf of a public authority	None
Work with Parliamentary Liaison Unit to amend the Bill handbook to make clear the requirements about a 'statement of compatibility' for all primary legislation and SSI	None
Papers for civil and criminal court rules Councils setting out how courts will need to be ready to deal with compatibility issues	None
Make contact with tribunals to ensure they are aware and ready to deal with compatibility issues	None
Continue raising awareness of duties beyond SG	To help raise awareness through relevant networks
Engage with the courts to ensure they have the appropriate remedies for dealing with compatibility issues and consider whether more needs to be introduced using the section 32 powers in the Bill.	None
Plan and deliver media/comms around commencement of duties	To provide advice about communications strategy.
<b>Should</b>	
Launch a national awareness raising campaign for CYP and their families	To be kept informed and promote localised campaigns to reach those

	furthest from their rights. The work is already steered by UNCRC Awareness Raising Comms Network.
Management of Improvement Service grant to support LAs and produce resources for elected members and PAs	Potential to review any resources drafted for wider PA audience.
Delivery of Innovation Fund	Promote fund within their networks.
Establishing forum of regulators to share good practice and embed UNCRC considerations into frameworks and professional standards	To review any potential resources developed through the forum.
Identify rights issues that are being highlighted by stakeholders, ensure SG senior policy leads are aware and record progress in addressing	To review list of rights issues
<b>Could</b>	
Developing SG CRWIA champions (who will in time become Equalities and Human Rights Champions).	None

#### **POST-COMMENCEMENT OF DUTIES**

<b>Must</b>	<b>SIB role</b>
Publish Part 2 & 3 Statutory Guidance	None
Publish the Children's Rights Scheme (CRS)	None
Quality assure SG CRWIAs	None
Annual reporting on progress on the commitments in the CRS.	To provide feedback on draft report
Respond to enquiries from policy teams across SG and wider public authorities about duties in the Bill	None
Maintain awareness of how the domestic understanding of children's rights is evolving through decisions in the courts and ensure this is reflected in policy development.	To help promote understanding across relevant networks.
Continue to co-ordinate the Cabinet and Executive Team Takeovers	None
Develop and put in place indicators for selected rights. Starting with the rights most at risk of being breached.	None. Advisory group may be established.
Develop and put in place indicators that we have in place the drivers of change for UNCRC implementation.	None. Advisory group may be established.
Identify rights issues that are being highlighted by stakeholders, ensure SG senior policy leads are aware and record progress in addressing	To review list of rights issues.

Build case studies of how policy development is taking a child's rights approach.	To help suggest case studies and review material.
<b>Should</b>	
Support completion of CR reports by public authorities	To promote awareness across relevant networks.
Analyse children's rights reports from public authorities to help monitor the progress being made to embed children's rights	To review analysis of reports and any associated recommendations.
Embedding child rights based practice considerations into existing frameworks e.g. Public Sector Improvement Framework	None
Peer support and learning to empower leaders to improve child rights based practice and embed system level approaches	To promote children's rights based practice through relevant networks
Capture and share good practice in developing resources/support for building capacity to children's rights approach among public authorities.	To share examples good practice and highlight transferable approaches.
Maintain awareness of how the international understanding of children's rights is evolving through UN Committee reporting, concluding observations, days of general discussion and consider how this needs to be reflected in any advice on policy development.	None

**UNCRC Strategic Implementation Board 29<sup>th</sup> July 2021**

**Item 8. Children and Young People’s Participation and Engagement**

**1. Proposed Consortium of Organisations**

To support the meaningful and inclusive participation of children and young people in the UNCRC Strategic Implementation Board and wider implementation programme, we are working to establish a consortium of organisations that have strong, trusting relationships with children and young people across Scotland.

As well as creating a way for children and young people to be part of the decision-making process for the UNCRC implementation programme, it is the intention that this approach would support a more sustainable and strategic approach to participation and engagement, and, in time, allow wider policy issues across the Scottish Government to be considered too.

Paragraph 15 of the [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Bill Financial Memorandum](#) set out proposals for participation, which would look to provide a sustainable approach to the strategic participation of children and young people in decision-making, and to enable the voices of those children and young people who are seldom heard to be listened to.

Since May 2021 we have spoken to 15 organisations, including children’s rights organisations who operate at a national level, as well as grass-roots organisations that work in and for specific communities, and organisations that represent children and young people with specific needs, including younger children, disabled children, and children who live in situations that make them vulnerable to not having their rights respected.

We are currently approaching the end of this preliminary scoping phase of the proposed consortium model with stakeholders, which has been extremely useful to gauge the potential interest of organisations, and to gather their views and feedback.

Our next steps are to review and use the interest, feedback and proposals we have received to date and start to further develop the model with those organisations who have noted interest. We intend to hold a round table discussion with these organisations shortly.

We have outlined two roles for organisations who would wish to consider being part of the consortium. A preliminary draft outline of these roles is as follows:

**Outline of member role**

- Facilitate group work sessions for children and young people.
- Ensure the children and young people are involved in the work of the UNCRC Strategic Implementation Board by:

- Feeding into the agenda and work plans for the Strategic Implementation Board.
- Being involved in the working groups which sit beneath the Strategic Implementation Board.
- Providing dedicated support to children and young people to prepare and participate in meetings of the Board

#### Outline of coordinator role

- Act as a link between a consortium of children and young people's organisations members, the Strategic Implementation Board and the working groups that sit beneath it.
- Attend the Strategic Implementation Board meetings and provide feedback on behalf of a consortium of children and young people's organisations.
- Act as an independent advocate for the consortium of children and young people's organisations.
- Facilitate consortium of children and young people's organisations members network meetings (staff).
- Facilitate joint training days for the consortium of children and young people's organisations members (children and young people).
- Create or encourage the sharing of example workshops and ways of engaging with children and young people.
- Support organisations to capture content and report back from their sessions.
- Facilitate celebration days for the consortium of children and young people's organisations and their members.
- Provide youth leadership/participation readiness capacity building programme for children and young people, through a training for trainers model.

We propose that we would ask children and young people through the consortium of organisations how they wish to engage with the Strategic Implementation Board and to nominate representatives to the Board.

It is the intention to further develop the specification for the co-ordinator role and to undertake a procurement exercise for this role over the next 6 months (August 2020-January 2021).

## **2. Interim Arrangements**

In order to ensure children and young people are at the heart of the UNCRC Strategic Implementation Board's collective leadership and decision-making before the consortium is established, Together (Scottish Alliance for Children's Rights) have agreed to support the Scottish Government to put in place the following interim measures:

- Involve children and young people in the work of the UNCRC Strategic Implementation Board, including preparing child-friendly and accessible information
- Develop, document and disseminate innovative best practice on children and young people's participation, including an end-of-project evaluation, which will also help to shape the model for the proposed consortium
- Consult with children and young people on specific deliverables from the UNCRC Implementation Programme workstreams

This work will be led by Together's CEO [Redacted Section 38(1)] with the support of a part-time Participation Manager, Participation Lead and from [Professor \[Redacted Section 38\(1\)\]](#). [Redacted Section 38(1)] will act as a consultant to the project and to support ongoing monitoring and evaluation to capture learning that can be embedded into the development and ongoing work of the consortium.

The activities proposed for this 6-month project are as follows:

### ***Children and young people's involvement***

Together aims to recruit 6 member organisations who work with children and young people with a range of experiences and backgrounds. Each of these organisations would recruit 2-3 children and young people with which they already have a strong working relationship and who have a background on working on UNCRC incorporation. To take account of specific accessibility requirements, children and young people will be offered a range of approaches in working with the panel, from attending specific Board meetings through to creating films, surveys or quizzes for Board members or inviting Board members to attend their own meetings. Together will work with Professor [Redacted Section 38(1)] and the children and young people to agree working methods to be agreed by the Strategic Implementation Board to support the most effective methods of involving these children and young people in its work.

### ***Training and awareness***

The Participation Lead would work with children, young people, partner organisations and the Strategic Implementation Board to ensure that rights-based participation in line with UNCRC principles is embedded across the project. This will include developing training materials where needed for different stakeholders involved in the project.

### ***Child-friendly accessible information***

The Participation Lead will work closely with all stakeholders to ensure that child-friendly and accessible information is available from each Strategic Implementation Board.

### ***Best practice governance and evaluation***

Throughout the project, the Participation Manager and Participation Lead would be developing best practice governance documents. This will include Working Methods for Children's Participation, Child Safeguarding Policies and Procedures and Accessibility Guidelines as well as working with Professor [Redacted Section 38(1)] to conduct an end-of-project evaluation with all stakeholders so that learning can be shared and embedded into the work of Strategic Implementation Board and the consortium going forward.

### ***Peer mentoring***

Children and young people involved in this 6-month interim project could be supported to become peer mentors to the future children and young people involved in the consortium. This could provide sustainability and continuity of children and young people's involvement in the Strategic Implementation Board and would ensure that children and young people are supported to develop and grow in their role. This

would need further consultation before suggesting a model that could be used to take this forward.

### **3. Next Steps/ Working Methods**

Taking into account the insightful input and experiences from the five young people who spoke to the Board on 2nd July 2021, we now wish to seek further input from the Board members on:

- how they would wish to engage with children and young people over this next 6-month period and beyond
- how the Board proposes to function to ensure the meaningful and sustained engagement of children and young people
- what does the Board require to ensure the meaningful and sustained engagement of children and young people

If agreeable to the Board, we propose the development of a working methods paper outlining how the Board proposes to operate to ensure the meaningful and sustained engagement of children and young people. This can be built upon over time, and once the Board have received further input, as requested, from the Children's Parliament, to ensure we also reflect the input and views of younger children.

Once drafted, we propose that this draft paper would then go to the children and young people who are going to be involved in this next 6-month period for their input, views, ideas and agreement, and used as part of the evaluation of this project.

#### **[Redacted Section 38(1)]**

Children's Rights Unit

26 July 2021