

# **Child Rights and Wellbeing Impact Assessment (CRWIA) for 2022 Summer Holiday, Childcare and Food Programme**

July 2022



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# Child Rights and Wellbeing Impact Assessment (CRWIA) for 2022 Summer Holiday, Childcare and Food Programme

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## **Introduction**

As set out in Part 1 of the Children and Young People (Scotland) Act 2014, Scottish Ministers must keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements, and if they consider it appropriate to do so, take any of the steps identified by that consideration. Undertaking a CRWIA helps Ministers to fulfil this duty.

There are two key considerations when undertaking a CRWIA:

**Participation:** The United Nations Convention on the Right of the Child (UNCRC) sets out that children have the right to participate in decisions which affect them. When assessing the impacts of the policy/measure, you are recommended to consult with children and young people. You can do this directly, through organisations that represent children and young people or through using existing evidence on the views and experiences of children where relevant. Participation of children and young people should be meaningful and accessible.

**Evidence:** You are recommended to gather evidence when assessing the impact of the policy/measure on children's rights and also for measuring and evaluating the policy/measure. If you identify any gaps in the evidence base, you can discuss how you will address these with analytical colleagues.

## **1. Which articles of the UNCRC does this policy/measure impact on?**

### **Article 30**

Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution and Pornography Governments

Optional Protocol to the UNCRC on the Involvement of Children in Armed Conflict Governments

**Article 2** non-discrimination

**Article 13** freedom of expression

**Article 3 (1)** best interest to be a primary consideration

**Article 16** protection of privacy

**Article 6** right to life, survival and development

**Article 18 (3)** support for working parents

**Article 12** respect for the views of the child

**Article 31** right to leisure, play and participation in cultural and artistic activities

**Article 5** parental guidance and a child's evolving capacities

**Article 14** freedom of thought, belief and religion

**Article 19** protection of violence, abuse and neglect

**Article 23** children with a disability

**Article 24** health and health services

**Article 26** social security

**Article 30** children from minority or indigenous groups

## **2. What impact will your policy/measure have on children's rights?**

Positive

### **3. Will there be different impacts on different groups of children and young people?**

The policy will only directly affect children between the ages of 5 and 14 from low-income families. Furthermore, there are 6 key groups (outlined in the Tackling Child Poverty Report) that will be represented in a majority (85% of funding). These are

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

The remaining 15% of the funding can be used flexibly to reach other children, including children under 5 years old and older children, who would benefit from access to free holiday childcare, food and activities and will be determined at local level. Local discretion could include, but is not limited to:

- Children from other low income families
- Care experienced children and young people
- Young carers
- Children in need of protection
- Children supported by a child's plan
- Children with ASN
- Children who have undergone significant transitions, for example, starting in ELC, primary or secondary school

The only two groups who might experience differential impacts are Children from families with a disabled adult or child and/or children with ASN, as we expect the holiday provision to be designed in a way that meets their specific needs. The impact of holiday provision should not otherwise be differential as groups outlined above will receive access to holiday childcare, activities and food provision.

**4. If a negative impact is assessed for any area of rights or any group of children and young people, can you explain why this is necessary and proportionate? What options have you considered to modify the proposal, or mitigate the impact?**

One possible negative impact of the targeted funding could be around stigmatising eligible children from low-income families. The targeted approach was chosen to enhance equity of access to enriching activities and holiday food for children from low income families. It is expected that Local Authorities and associated delivery partners will be working towards delivering stigma-free services as part of the holiday provision in accordance with the national [guidance](#).

**5. How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland?**

The policy will provide children with many of the children's rights outlined in UNCRC.

Examples include:

- non-discrimination, as holiday provision is open to all – while specifically targeting low-income families, it also provides partial funding and spaces to other categories of children who would like to participate.
- freedom of expression – it allows children from all walks of life and children with ASN to gain equal access to activities and food
- right to leisure and play – specifically relevant, as the programme aims at providing children with the opportunity to socialise in the aftermath of COVID-19, particularly outdoors
- freedom of thought, belief and religion – children have been consulted on their views of the 2021 cycle of the programme, and fed back their wishes as part of the GiS 2021 M&E. The food provided will also be inclusive of children of various religious beliefs.

The Summer 2022 programme will further inform future developments of the holiday provision policy over the period between 2023 – 2027.

**6. How have you consulted with relevant stakeholders, including involving children and young people in the development of the policy/measure?**

When planning and delivering summer holiday provision, all Local Authorities and delivery partners are expected to ensure that services are inclusive, accessible and responsive to local needs across different language mediums, in collaboration with Local Child Poverty leads where practicable to align strategic approaches. Partners

should also work together to agree how activities and services can be delivered in remote or rural areas, where the range of existing provision might be more limited and geographic barriers to access services may be considerable.

Guidance covering 2022 summer holiday provision has been developed in line with key findings of the [Evaluation research report for last year's Get into Summer 2021 Programme](#), published in February 2022. The evaluation included qualitative in-depth interviews with children, young people and families who took part in Get into Summer activities in the 2021 school summer holidays to understand what worked for them and what could be improved. It also consulted local authorities and their delivery partners and national organisations who were involved in planning and delivering activities. While it would have been even more beneficial to gain further feedback from children during the planning of the Summer 2022 offer, due to time constraints this wasn't possible.

## **7. What evidence have you used to inform your assessment?**

In developing the *Summer 2022* programme, the policy team relied on findings made in the GiS 2021 Evaluation report, feedback from the Holiday Provision Reference Group and a series of engagements with Local Authorities and Delivery partners undertaken between January and April 2022. The *Summer 2022* programme was designed to align closely with the learning from these engagements.

## **8. How will the impact of the policy/measure be monitored?**

The policy team are commissioning an external agency to undertake qualitative evaluation research with beneficiaries (children, young people and their families), LAs, and delivery partners. An Invitation To Tender closed on 20 June 2022. The consultation will take place between July and September, after which the findings will be analysed and fed into a final report (to be published in January 2023).

## **9. How will you communicate to children and young people the impact of the policy/measure on their rights?**

We are exploring possibilities to issue a child-friendly version of the Summer 2022 Monitoring and Evaluation report.

We will consult on holiday provision with children and young people selected to take part in a People Panel that will commence in late summer 2022. This is part of our commitment to co-design our policies with service users firmly at the centre of design. This co-design will build on the summer holiday provision and ensure children and young people are influencing the design of a future year round system of school age childcare.

## 10. Sign & Date

Policy Lead Signature & Date of Sign Off:

Christine Gilmore

22/06/2022

Deputy Director Signature & Date of Sign Off:

Kate Smith

27 June 2022

## Annex 1 – UNCRC Article Clusters

### [CRC Clusters \(unicef-irc.org\)](https://www.unicef-irc.org/)

#### I General measures of implementation

[Article 4](#) implementation obligations

[Article 41](#) respect for existing standards

[Article 42](#) making Convention widely known

[Article 44\(6\)](#) making reports widely available

#### II Definition of a child

[Article 1](#)

#### III General principles

[Article 2](#) non-discrimination

[Article 3\(1\)](#) best interest to be a primary consideration

[Article 3\(2\)](#) State's obligations to ensure necessary care and protection

[Article 3\(3\)](#) standards for institutions services and facilities

[Article 6](#) the right to life, survival and development (see also: [VI Basic health and welfare](#) )

[Article 12](#) respect for the views of the child

#### IV Civil rights and freedoms

[Article 7](#) right to name, nationality and to know and be cared for by parents

[Article 8](#) preservation of child's identity

[Article 13](#) freedom of expression

[Article 14](#) freedom of thought, conscience and religion

[Article 15](#) freedom of association and peaceful assembly

[Article 16](#) protection of privacy

[Article 17](#) child's access to information, and role of mass media

[Article 37\(a\)](#) [right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment](#)

#### V Family environment and alternative care

[Article 5](#) parental guidance and child's evolving capacities

[Article 18\(1\) and \(2\)](#) parental responsibilities and State's assistance

[Article 9](#) separation from parents

[Article 10](#) family reunification

[Article 11](#) illicit transfer and non-return

[Article 27\(4\)](#) recovery of maintenance for the child

[Article 20](#) [children deprived of their family environment](#)

[Article 21](#) [adoption](#)

[Article 25](#) periodic review of placement and treatment

[Article 19](#) protection from all forms of violence

[Article 39](#) rehabilitation and reintegration of victims of violence (see also: [VIII - Special protection measures](#) )



## VI Basic health and welfare

[Article 6](#) right to life, survival and development (see also: [III - General principles](#) )

[Article 18\(3\)](#) support for working parents

[Article 23](#) rights of disabled children

[Article 24](#) right to health and health services

[Article 26](#) right to social security

[Article 27\(1\)-\(3\)](#) right to adequate standard of living

## VII Education, leisure and cultural activities

[Article 28](#) right to education

[Article 29](#) aims of education

[Article 31](#) right to leisure, play and participation in cultural and artistic activities

## VIII Special protection measures

### **A - Children in situations of emergency**

[Article 22](#) refugee children

[Article 38](#) children and armed conflict

[Article 39](#) rehabilitation of child victims (see also: [V Family environment and alternative care](#) )

### **B - Children involved with the system of administration of juvenile justice**

[Article 40](#) administration of juvenile justice

[Article 37\(a\)](#) prohibition of capital punishment and life imprisonment

[Article 37\(b\)-\(d\)](#) restriction of liberty

[Article 39](#) rehabilitation and reintegration of child victims (see also: [V Family environment and alternative care](#) )

### **C - Children in situations of exploitation**

[Article 32](#) child labour

[Article 33](#) drug abuse

[Article 34](#) sexual exploitation

[Article 35](#) sale, trafficking and abduction

[Article 36](#) other forms of exploitation

### **D - Children belonging to a minority or an indigenous group**

[Article 30](#)

[Optional Protocol to the UNCRC on the Involvement of Children in Armed Conflict](#)

[Governments](#) should ensure that children under 18 who are members of the armed forces do not take a part in combat. Any recruitment of children under 18 must be voluntary and carried out with the full consent of the child's parents/carers. The UK Government has entered interpretive Declarations to this Optional Protocol. The UK would not exclude the deployment of under 18s who are members of the armed forces in direct combat if there is a genuine military need; it is not practicable to withdraw them before deployment; or doing so would undermine the operational effectiveness of their unit. The minimum age at which children may join the UK armed forces is 16 years, with parental consent required.

[Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution and Child Pornography](#) [Governments](#) must prohibit the sale of children, child prostitution and

child pornography, and recognise the vulnerability of child victims, protect their privacy, provide appropriate support services and ensure their safety.

## Annex 2 – General Comments

General Comments are non-legally binding interpretive aids issued by the UN Committee on the Rights of the Child to provide State parties with assistance regarding the interpretation of an article or issue relating to the UNCRC, and what actions governments should take to ensure its implementation. New General Comments appear at irregular intervals.

### [Treaty bodies Search \(ohchr.org\)](#)

1. [The aims of education \(2001\)](#)
2. [The role of independent National Human Rights Institutions in the protection and promotion of the rights of the child \(2002\)](#)
3. [HIV/AIDS and the rights of children \(2003\)](#)
4. [Adolescent health and development in the context of the Convention on the Rights of the Child \(2003\)](#)
5. [General measures of implementation on the Convention on the Rights of the Child \(2003\)](#)
6. [Treatment of unaccompanied and separated children outside their country of origin \(2005\)](#)
7. [Implementing child rights in early childhood \(2005\)](#)
8. [The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment \(2006\)](#)
9. [The rights of children with disabilities \(2006\)](#)
10. [Children's rights in juvenile justice \(2007\)](#)
11. [Indigenous children and their rights under the Convention \(2009\)](#)
12. [The right of the child to be heard \(2009\)](#)
13. [The right of the child to freedom from all forms of violence \(2011\)](#)
14. [On the right of the child to have his or her best interests taken as a primary consideration \(2013\)](#)
15. [On the right of the child to enjoyment of the highest attainable standard of health \(2013\)](#)
16. [State obligations regarding the impact of the business sector on children's rights \(2013\)](#)
17. [On the right of the child to rest, leisure, play, recreational activities, cultural life and the arts \(2013\)](#)

18. [On harmful practices \(Joint General Comment with the Committee on the Elimination of Discrimination against Women\) \(2019\)](#)
19. [Public budgeting for the realisation of children's rights \(2016\)](#)
20. [Implementation of the rights of the child during adolescence \(2016\)](#)
21. [Children in street situations \(2017\)](#)
22. General principles regarding the human rights of children in the context of international migration [\(Joint General Comment with the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families\) \(2017\)](#)
23. State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return [\(Joint General Comment with the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families\) \(2017\)](#)
24. [General comment No. 24 \(2019\)](#) on children's rights in the child justice system
25. [General comment 25 \(2021\)](#) Children's Rights in relation to the digital environment.



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