



**SUPPORTING
CHILDREN'S
RIGHTS**

UNCRC IN SCOTLAND

Getting Ready for UNCRC Incorporation Framework

**A Practical Resource for Local Authorities in Scotland to prepare for UNCRC
Incorporation**

Autumn 2022

Getting Ready for UNCRC Incorporation

A step by step guide for Local Authorities in Scotland

1. Introduction

The desire to ensure that children and young people in Scotland reach their potential is at the heart of many of the services delivered by local authorities and their partners in Scotland. The United Nations Convention on the Rights of the Child (UNCRC) is an international human rights treaty that grants all children and young people a comprehensive set of rights. In Scotland work is underway to incorporate the UNCRC into the Scottish legal framework through the UNCRC (Incorporation) (Scotland) Bill . When this is finalised, it will require public bodies to act compatibly with the UNCRC requirements in devolved areas and will also mean that children and young people are able to hold duty bearers such as local authorities and health boards to account .This framework is a step by step guide to help local authorities to prepare for when the UNCRC becomes part of Scots law.

You can read more about the Project and the support available here: <https://www.improvementservice.org.uk/products-and-services/consultancy-and-support/uncrc-implementation-project>

2. Embedding Children's Rights

The UNCRC provides a rights-based framework to uphold the rights of children and take their views into account in decisions that affect them including policy, practice and budget making decisions. This extends beyond the traditional areas of education and children's services and into areas such as housing, transport and the environment. It also extends to those services being delivered by organisations who are commissioned or procured by a duty bearer e.g. the Council or Health Board. To fully embed children's rights into the core of planning and service delivery requires leadership and a coordinated approach across services and partners and a commitment to meaningful empowerment and participation of children and young people.

The UNCRC includes 4 general principles and these form the basis of a provide a framework to ensure that children's rights approach is taken to all decisions that affect children and young people including policy, practice and budget making decision. These principles underly all articles in the UNCRC and are fundamental to all of the rights outlined in the UNCRC. The principles are:

- Non-discrimination (Article 2)
- Best interest of the child (Article 3)
- Right to life survival and development (Article 6)
- Right to be heard (Article 12)

To learn more about the UNCRC and the UNCRC Incorporation Bill, please visit <https://www.gov.scot/policies/human-rights/childrens-rights/>

3. How to use this resource to support your work to embed children's rights?

The Observatory of Children's Human Rights Scotland (in partnership with Public Health Scotland and Matter of Focus) undertook a collaborative, evidence-based process to create a [Theory of Change](#) for implementing the Bill in Scotland. The Theory of Change explores what is needed to realise children's rights, in all settings and for all children and young people. 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 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.

The Theory of Change focuses on four key areas where changes need to happen to ensure children can realise their rights in Scotland. For each of these four change processes, the Theory of Change has outcome maps that lay out the drivers and actors for change. The four change processes are :

- Policy - policy adaptation, coordination, administrative integration and budgetary consideration.
- Capacity - building cross-sector capacity and capability to integrate rights-based ways of working.
- Culture - changing attitudes, norms, values and everyday actions.
- Empowerment - ensuring a system of information, advocacy, complaints, redress and effective remedy for children and young people

This resource takes forward the Theory of Change and outlines a number of key steps that will enable local authorities and their partners to demonstrate their commitment to children's human rights and further embed children's human rights across their organisation including their values and organisational culture. Each step represents a key aspect of work to embed children's rights. Each organisation will be at different points in their journey and this approach allows you to look across your practice and identify where you need to focus your activity or resources to allow you to be ready for when the UNCRC becomes part of Scots law.

The Improvement Service's UNCRC Implementation Project provides practical resources and support to local authorities to take children's rights forward meaningfully within their organisation.

This framework can be used:

- As a light touch self assessment framework that can help you to assess where you are currently at in your approach to embedding children’s rights
- To develop an action plan to develop or progress your work on children’s rights, recognising that each organisation will be at different stages of their approach
- To access existing resources and information that can support the development of different elements/ pillars of work
- To engage with colleagues across the organisation or with partners on this agenda and to identify where shared approaches will be beneficial
- To identify what resources, skills and knowledge exist across the organisation that can support this work

Further resources, information and guides are available to support your work on the [Knowledge Hub](#) site. Please join the group to access information or get in touch with us to discuss this.

4. Help and Support to Use the Resource

The Improvement Service can support you to use this framework in a way that suits your organisation and stage in your approach to the UNCRC. Please get in touch with us to discuss the support you need. We can also sign post you to other organisations who have resources, skills and knowledge to support your work.

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The Framework: Key Steps to take to Get Ready for UNCRC Incorporation

Key Steps	Key Considerations	Evidence / Examples of Practice Future Action Required
<p>1. Leadership and Corporate Commitment</p>	<ul style="list-style-type: none"> ○ Leaders at all levels can confidently speak about the importance of children’s human rights and can convey this message to others in a way that is meaningful ○ Corporate and Strategic level plans make explicit commitment to children’s human rights, including the participation of children and young people in decision making e.g. the Council Plan, Local Outcome Improvement Plan, Children’s Services Plan ○ Corporate commitments are embedded into service level priorities, budgeting and planning at all levels of the organisation ○ Strategic partnerships e.g. Community Planning Partnerships, continue this commitment into a shared vision and purpose ○ You have a plan which outlines your commitment to children’s rights, and the actions that you are taking to progress these (with particular emphasis on areas where children’s rights are not being realised). 	

<p>2. Participation of Children and Young People</p>	<ul style="list-style-type: none"> ○ Children and Young people have a voice and meaningful participation in decisions that affect their lives, directly and indirectly, including in policy-making, budgetary decision-making, and in reviewing your processes and practices. ○ There is a range of ways for all children and young people to meaningfully participate and barriers to participation are identified and removed. ○ You build relationships with children and young people in ways that allow them to feel comfortable sharing their views and ideas e.g. youth groups ○ You provide feedback to children and young people and staff on the outputs and impact of children’s involvement (both what changes happen as a result of their involvement and what doesn’t change and the reasons why). 	
<p>3. Empowerment of Children and Young People</p>	<ul style="list-style-type: none"> ○ You regularly review and remove any barriers that children and young people may face when trying to participate / engage with services 	

	<ul style="list-style-type: none"> ○ All children, young people and their parents/ carers have access to independent advocacy and accessible advice to support them in their understanding of their rights 	
4. Child Friendly Complaints Procedure	<ul style="list-style-type: none"> ○ A child friendly complaints procedure is in place, regularly reviewed and is working well for children and families ○ Complaints and feedback are constructively received and reviewed to inform future improvement in processes, services and participation ○ Your approach to complaints on the basis of children's rights is consistent with other local authority areas in Scotland 	
5. Training and Awareness Raising	<ul style="list-style-type: none"> ○ Children, young people and their parents/ carers have the opportunity to learn about their rights and how they should be upheld ○ You support local communities to understand children's rights ○ You support colleagues at all levels of your organisation to understand children's rights, their responsibility to protect and advance children's rights and how to adopt and model a children's rights-based approach through 	

	their work.	
6. Improving Practice- Tools and Resources to support your work	<ul style="list-style-type: none"> ○ You make use of tools that can support you to advance children’s rights and support colleagues to use them to review policy and practice and adopt a children’s rights-based approach ○ You regularly review your existing policies and procedures to ensure that they are compliant with the UNCRC and you are identifying and removing barriers to children fulfilling their rights 	
7. Publishing Child Friendly Information	<ul style="list-style-type: none"> ○ You publish information in child friendly ways including your Children’s Rights Report ○ You provide children with accessible information on how to provide feedback about services and access redress in case of issues 	
8. Measuring Progress	<ul style="list-style-type: none"> ○ You collect disaggregated information about children and young people that can help to inform your understanding on how well rights are being upheld and inform your approach and action ○ You have a clear set of indicators which can help you to monitor how you are protecting and progressing children’s rights and adapt your plan as needed 	

	<ul style="list-style-type: none"> ○ You are aware of those who are most at risk of their rights being breached 	
9. Children’s Rights Budgeting	<ul style="list-style-type: none"> ○ You can demonstrate that you have taken children’s rights into account when making decisions about the allocation of budgets/ resources across the organisation e.g a children’s rights and wellbeing impact assessment is completed ○ The process of budget development includes transparency and the participation of children and young people ○ Explicit budget lines can be identified which specifically support children’s rights e.g. tackling child poverty or inequality 	
10. Accountability and Reporting on Children’s Rights	<ul style="list-style-type: none"> ○ You understand how well your organisation is doing to protect and advance children’s rights. This includes understanding what activities are underway and what action is needed to further advance this work. ○ You are fulfilling your duty under the 2014/ 202x Act to report on how you are progressing and securing the advancement of childrens rights. 	

11. Non Discrimination / Rights at Risk	<ul style="list-style-type: none">○ The organisation has an explicit commitment to equality of opportunity and a proactive approach to tackling inequality on the grounds of race, religion, age, disability, gender, marital status or sexual orientation.○ Every child is treated fairly and protected from discrimination○ Children and young people who need additional support to overcome barriers or difficulties are proactively identified and can access this, including inclusive communication practice.	
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Resources to Support Your Work

Many of the Resources Noted Below are available on the Knowledge Hub site – sign up via this link: <https://khub.net/web/childrens-human-rights-in-scotland-uncrc>

Key Steps	Resources Available to Support Your Work
<p>Leadership and Corporate Commitment</p>	<p>United Nations Convention on the Rights of the Child implementation: introductory guidance</p> <p>https://www.gov.scot/publications/implementing-united-nations-convention-rights-child-introductory-guidance/documents/</p> <ul style="list-style-type: none"> • Theory of Change – full report https://www.ed.ac.uk/sites/default/files/atoms/files/cys-theory-of-change-full-report-june-2022.pdf and summary https://www.ed.ac.uk/sites/default/files/atoms/files/cys-theory-of-change-summary-june-2022.pdf • Theory of Change for Making Children’s Rights Real in Scotland; Evidence Paper no. 1 – Policy https://www.ed.ac.uk/sites/default/files/atoms/files/cys-theory-of-change-ev-paper-no-1-policy.pdf • Scottish Government approach to Children’s Human Rights https://www.gov.scot/policies/human-rights/childrens-rights/ • Elected Member Briefing – available from Summer 2022 • Watch Scotland’s Children’s Commissioner Bruce Adamson talk about why the UNCRC is important https://www.cypcs.org.uk/rights/uncrc/ • Scottish Government (2021), Children’s Rights and the UNCRC in Scotland: An Introduction, https://www.gov.scot/publications/implementing-united-nations-convention-rights-child-introductory-guidance/documents/
<p>Participation of Children and Young People</p>	<ul style="list-style-type: none"> • Children in Scotland: Meaningful Participation of Children and Young People https://childreninscotland.org.uk/wp-content/uploads/2019/09/CiS-Participation-2019.pdf

	<ul style="list-style-type: none"> • Children’s Parliament Investigates:Professionals Make Rights Real https://www.childrensparliament.org.uk/professionals-make-rights-real/ • Rights Right Now Report 2022 https://www.togetherscotland.org.uk/media/3092/rnn19052022.pdf • Lundy Model of Child Participation https://ec.europa.eu/info/sites/default/files/lundy_model_of_participation.pdf • General Comment 12 (2000) The Right of the Child to Be Heard https://www.refworld.org/docid/4ae562c52.html • Golden Rules for Participation : Children and Young People’s Commissioner https://www.cypcs.org.uk/get-help/teachers/golden-rules/
Empowerment of Children and Young People	<ul style="list-style-type: none"> • Dignity in School Hub Resources https://dignityinschool.childrensparliament.org.uk/ • Chapter 6 Together’s State of Children’s Rights Report https://www.togetherscotland.org.uk/media/2204/socrr-22_final.pdf • Reach – resources for young people to help them understand their right to be included, listened to and involved in decisions about support for learning https://reach.scot/ • My Rights, My Say – resources for young people aged 12- 15 and resources for teachers to help young people access their rights https://myrightsmysay.scot/ • Theory of Change for Making Children’s Rights Real in Scotland; Evidence Paper no. 4 – Empowerment https://www.ed.ac.uk/sites/default/files/atoms/files/cys-theory-of-change-ev-paper-no-4-empowerment.pdf

Child Friendly Complaints Procedure	<ul style="list-style-type: none"> • The Scottish Public Services Ombudsman is working on guidance for a child friendly complaints procedure. Timeline to be confirmed. • Unicef Child Friendly Complaint Mechanisms https://www.unicef.org/eca/sites/unicef.org.eca/files/2019-02/NHRI_ComplaintMechanisms.pdf • Chapter 5 Together's State of Children's Rights Report (page 120) https://www.togetherscotland.org.uk/media/2204/socrr-22_final.pdf
Training and Awareness Raising	<ul style="list-style-type: none"> • Resources for Schools and School Communities https://education.gov.scot/improvement/learning-resources/recognising-and-realising-childrens-rights/ • Children's Parliament Resources https://www.childrensparliament.org.uk/wp-content/uploads/Childrens-Parliament-Rights-bases-approach-leaflet2019.pdf • Theory of Change for Making Children's Rights Real in Scotland; Evidence Paper no. 2 – Capacity https://www.ed.ac.uk/sites/default/files/atoms/files/cys-theory-of-change-ev-paper-no-2-capacity.pdf • Theory of Change for Making Children's Rights Real in Scotland Evidence Paper no. 3 – Culture https://www.ed.ac.uk/sites/default/files/atoms/files/cys-theory-of-change-ev-paper-no-3-culture.pdf
Improving Practice-Tools and Resources to support your work	<ul style="list-style-type: none"> • PANEL Principles https://www.scottishhumanrights.com/projects-and-programmes/human-rights-based-approach/#:~:text=The%20Panel%20Principles&text=These%20are%3A%20Participation%2C%20Accountability%2C,%2DDiscrimination%2C%20Empowerment%20and%20Legality. • Fair Process: https://eqhria.scottishhumanrights.com/eqhriatrainingfair.html • Children's Rights Wellbeing Assessment : https://www.gov.scot/publications/childrens-rights-wellbeing-impact-

	<p>assessment-guidance/</p> <ul style="list-style-type: none"> • Chapter 8 Together’s State of Children’s Rights Report https://www.togetherscotland.org.uk/media/2204/socrr-22_final.pdf • Scottish Observatory of Children’s Rights: https://www.ed.ac.uk/files/atoms/files/mh-cys-observatory-cria-practice-note-2021.pdf
Publishing Child Friendly Information	<ul style="list-style-type: none"> • Save the Children: How to Write a Child Friendly Document https://resourcecentre.savethechildren.net/pdf/How-to-write-a-child-friendly-document.pdf/ • Chapter 3 Together’s State of Children’s Rights Report 2022 https://www.togetherscotland.org.uk/media/2204/socrr-22_final.pdf • Creating Child Friendly Versions of Written Documents https://www.qub.ac.uk/research-centres/CentreforChildrensRights/CCRFilestore/Filetoupload,1269252,en.pdf
Measuring Progress	<ul style="list-style-type: none"> • SHANNARI Indicators https://www.gov.scot/policies/girfec/wellbeing-indicators-shanarri/ • Equality and Human Rights Commission – further links https://eqhria.scottishhumanrights.com/eqhriaresindicators.html
Children’s Rights Budgeting	<ul style="list-style-type: none"> • Chapter 7 Together’s State of Children’s Rights Report 2022 https://www.togetherscotland.org.uk/media/2204/socrr-22_final.pdf • Children in Scotland: Children’s Wellbeing Budgets 2020 https://childreninscotland.org.uk/wp-content/uploads/2020/12/Childrens-Wellbeing-Budgets-Interim-Report-Dec2020-Gecko-2.2.pdf • UNICEF Public Finance for Children https://www.unicef.org/social-policy/public-finance

<p>Accountability and Reporting on Children’s Rights</p>	<ul style="list-style-type: none"> • Statutory Guidance on the UNCRC Incorporation Bill will be published by the Scottish Government once the legislation has received Royal Assent. • The Children and Families Act 2014 Guidance is still applicable and outlines how to report on the UNCRC in your organisation. https://www.gov.scot/publications/children-young-people-scotland-act-2014-national-guidance-part-12/
<p>Non Discrimination</p>	<ul style="list-style-type: none"> • Children and Young People’s Commissioner Advice on Article 2 https://www.cypcs.org.uk/rights/uncrc/articles/article-2/ • Equality and Human Rights – Equality Impact Assessment https://eqhria.scottishhumanrights.com/index.html