

UNCRC Programme Update

Improving Outcomes
for Children and
Young People in Scotland

Welcome

Welcome to edition 4 of the Children's Rights Unit programme update. The July 2023 edition provides an update on the UNCRC (Incorporation) (Scotland) Bill, next steps in amending this to address the Supreme Court judgment and an estimated timeline for the parliamentary process of reconsideration and commencement.

In this edition we also highlight the positive progress being made by the Care Inspectorate, provide an update on Rights Respecting Schools and outline the Children's Parliament's Dignity in School programme – all with a focus on making rights real for children and young people.

Finally, we reflect on our recent learning event on children's rights reporting and outline our progress on the Innovation Fund which will be delivered in partnership with the Corra Foundation.

If you have any questions about the newsletter content, themes you would like covered in future issues or content you would like to contribute to highlight how your organisation is preparing for the duties in the UNCRC Bill, please drop us an email at

UNCRCIncorporation@gov.scot



UNCRC (Incorporation) (Scotland) Bill

On Tuesday 27 June 2023, the Cabinet Secretary for Social Justice provided an [update to Parliament](#) about progress with the UNCRC (Incorporation) (Scotland) Bill, to explain the reason for the delay in bringing the Bill back to Parliament, and to share how we propose to amend the Bill and the rationale behind that and to confirm next steps to begin the parliamentary process for reconsideration.

As the First Minister set out in his recently published [policy prospectus](#), Scottish Ministers remain absolutely committed to Scotland being the first UK nation to incorporate the UNCRC into domestic law, ensuring we are a country that respects, protects and fulfils children's rights.

To reduce the risk of another referral to the Supreme Court on a revised Bill, engagement has taken place with lawyers in the Office of the Advocate General on how we propose to amend the four sections of the Bill that were judged to be outwith legislative competence. Much of the focus of this engagement has been on how the duty to act compatibly with the UNCRC can apply when a public authority is acting under powers conferred by UK Acts in devolved areas.

We knew that the Supreme Court judgment meant we could not require public authorities to act compatibly when delivering duties under powers in a UK Act in a devolved area and the Act requires them to act incompatibly. However, what we were seeking to achieve was for the compatibility duty to apply when a public authority was delivering duties under a UK Act in a devolved area and the Act either required them to act compatibly with the UNCRC or gave them some discretion to act compatibly.

In drafting amendments to the compatibility duty, we have tried to balance three important considerations: protecting children's rights to the maximum effective extent possible; minimising the risk of another Supreme Court referral; and making the law as accessible as possible for users. Our assessment is that the most effective coverage for the compatibility duty is for it to apply only when public authorities are delivering duties under powers in an Act of the Scottish Parliament. Further explanation of why we have reached that decision is provided in the Cabinet Secretary's statement which can be found [here](#).

Although this will entail a loss of coverage for existing Acts of the UK Parliament in devolved areas, it will still provide valuable protections for children rights and do so in a way that is legally sound, clear for users and gives us a solid basis from which to begin our journey to legislate for children's rights and wider human rights.



To move forward, we need to complete essential checks with Parliamentary Clerks on admissibility. Thereafter our aim is for the initial motion to Parliament to be scheduled as early as possible after the parliamentary recess to allow the reconsideration process to commence.

While we are unable to confirm exact timings, we would expect the reconsideration process to be relatively short, although that will depend on the extent to which the lead committee (the Equalities, Human Rights and Civil Justice Committee) wish to scrutinise the amendments.

Section 6 of the Bill, which places a duty on public authorities not to act incompatibly with the 'UNCRC requirements' as defined by the Bill, would commence no later than 6 months from Royal Assent, which we estimate could be mid-2024.

The UK Government is already a signatory to the UNCRC, albeit it has not incorporated it into domestic law. Regardless of the scope of the legal duties in the Bill, the UNCRC is at the heart of the Scottish Government's commitment to ensuring that all children and young people have the best possible start in life, regardless of their circumstances. As such, public authorities are encouraged to do all they can to implement the Convention and uphold children's rights.



Innovation Fund

The Scottish Government launched the UNCRC Innovation Fund on the 11th of May. The purpose of the fund is to support public bodies and local authorities to develop new and creative child rights-based approaches. Our hope is that the projects funded will result in changes in culture, policy and practice to support UNCRC implementation and give further or better effect to children's rights.

The Scottish Government is making £500,000 of grant funding available to support this initiative and aims to fund 10-15 projects. Learning from these projects will be shared more widely as part of the longer-term process of embedding children's rights.

The fund closed to application at noon on the 28th of June. Our delivery partner, the Corra Foundation, will be reviewing applications over the next few weeks. We are also pleased to share that a group of young people from Youth Scotland will be helping to guide the decision making process. The young people will be making recommendations to Scottish Government on the projects they believe will have the most impact.



Children's Rights Reporting under the Children and Young People (Scotland) Act 2014.

Under existing legislation (Part 1, Section 2 of the Children and Young People (Scotland) Act 2014) listed public bodies have a duty to report every three years on the steps they have taken to give further or better effect to children's rights. The latest reporting cycle ended on 31 March 2023 and children's rights reports for the period 2020-2023 are due as soon as practicable after this date.

The Scottish Government's Children's Rights Unit ran a learning event to support listed public bodies to prepare for the next reporting cycle. The session explained reporting requirements and shared learning from the 2017-2020 reporting cycle. In addition, senior practitioners from Dumfries and Galloway and Stirling Councils shared their reflections on preparing 2017 – 2020 reports, and their plans for 2020-23 reporting.

A [recording of the event](#) is available, for those unable to attend.

Scottish Government continues to offer support on children's rights reporting. If you would like to speak to the team, please contact the UNCRC Mailbox - uncrcincorporation@gov.scot

Links to all the resources discussed in the session are listed below

- 1) [Guidance on Part 1, Section 2, Reporting duties](#)
- 2) [20 Minute Children's Rights Training Tool](#)
- 3) [Child Rights and Wellbeing Impact Assessment \(CRWIA\) guidance](#)
- 4) [Improvement Service support for local government and elected members](#)
- 5) [Knowledge Hub](#)



New Resources from the Improvement Service

We are working with the Improvement Service (IS) to provide advice and guidance for Local Authorities in preparing for UNCRC incorporation and in taking a child rights-based approach.

As part of this work, IS developed training and resources for Elected Members and a Getting ready for UNCRC framework. We funded the IS to update these resources, to make them applicable to all public authorities. You may find the following resources useful when considering how best to prepare for the commencement of the UNCRC Bill:

- [A guide for public services in Scotland on understanding children's human rights](#): a resource aimed at those working in public bodies in Scotland, including local authorities and health boards, who are interested in learning more about children's rights and the United Nations Convention on the Rights of the Child.
- [Getting ready for UNCRC framework](#): a practical resource for public authorities in Scotland to prepare for UNCRC Incorporation. Read the [press release](#) for further information on the resource and how it can be used.



Many public bodies are making strong progress in implementing a children's rights-based approach. Henry Mathias, Head of Professional Standards and Practice sets out the progress the Care Inspectorate have made.

“At the Care Inspectorate, we have been busy integrating UNCRC principles into how we inspect and support services for children and young people. This has included reviewing our quality frameworks to ensure they are based on rights and relationships, with a focus on improving how children and young people can exercise their right to have a say in their care service and how it is scrutinised. These changes adopt a practical approach to what human rights look like for an individual child or young person experiencing care and are aligned with the Health and Social Care Standards, The Promise and Corporate Parenting, as well as the UNCRC.

The frameworks for inspecting care homes, residential schools and secure care are designed to:

- produce a more proportionate regulatory footprint, affording services space to focus on recovery and development as we continue to transition out of the pandemic
- prioritise the quality of relationships experienced by children, not the process surrounding their care” as advised by [The Promise](#)
- support engagement with more children and young people. In our discussions with young people about this revised approach, this was particularly important to them.

The Care Inspectorate have also produced a [new animation](#), co-designed with our young inspection volunteers, to support young people to better understand our role as a regulator and how they can give feedback.

The Care Inspectorate have had a positive response from the sector and young people about these developments. It is key that we allow time for young people's views to be included and taken on board – an important principle in our participation workstream - and this work is a firm step in our keeping of the Promise. The Care Inspectorate is also working to drive improvement in upholding children and young people's rights in areas such as the use of restraint, siblings remaining connected, secure care and continuing care.”

Here is how Kibble (special services and support provider for young people) reacted to the to the Care Inspectorates revised approach:

"We really valued the inspection team's focus on safety and the relationships we have with young people. Creating safety and building trusting relationships are defining principles of therapeutic trauma-informed practice.... The inspection managed to balance scrutiny with an acknowledgement of the real-life challenges faced when creating safety, relationships, and upholding children's rights".

If you would like to discuss any aspect of this work, please contact Henry at Henry.Mathias@careinspectorate.gov.scot



Rights Respecting Schools

The education sector is also making strong progress, as momentum builds around the Rights Respecting Schools Programme.

In May 2022, the Scottish Government issued a grant to UNICEF UK, to enable them to offer their Rights Respecting Schools Award (RRSA) to all state primary and secondary schools in Scotland, including SEN schools. The grant has removed the financial barrier of schools signing up to RRSA. This, coupled with UNICEF UK building deeper relationships with local authorities, has led to more children in Scotland receiving learning in a school that's 'rights respecting' accredited.

335 new schools have signed up to the programme since May 2022 and 121 schools have received their bronze accreditation. This [Rights Respecting School Awards update](#) shares more about the work and progress and includes a case study from Perth and Kinross.

Any school or local authority wanting to know about the programme or sign up for RRSA can contact Gerry at GerryM@unicef.org.uk

Dignity in School programme

The Children's Parliament's Dignity in School programme supports schools to become hubs for children's rights practice, meaning they can be active in ensuring incorporation is meaningful to the whole school community.

Funded by the Gordon Cook Foundation, the Dignity in School programme is concerned with the realisation of children's human rights, day-to-day, in all aspects of learning and life at school with a focus on the method and practice of teaching.

The programme is interested in the lived experience of children in schools; as such the Dignity in School programme takes an immersive approach, getting alongside children and adults in the teaching and learning environment. A whole school approach is adopted to building children's rights practice and through that practice:

- Improve relationships
- Improve teaching and learning
- Improve school planning and policies

Alongside their offer to their partner schools in Dundee and Clackmannanshire, Dignity in School includes an outward facing component, aimed at amplifying good practice, and is co-creating a suite of resources, prompts and inspirational stories with children and teachers to create a momentum behind the shared commitment to making rights real for all children – see the Dignity in School Hub [Dignity In School – A home for school-based human rights practice. \(childrensparliament.org.uk\)](https://childrensparliament.org.uk)



Putting children's rights at the heart of system change

And finally... the Children's Parliament recently highlighted the [Hearings System Working Group: Redesign Report](#), as an example of "how to reflect on a system and build it back on the foundation of rights". The independent Hearings System Working Group's Redesign Report, produced under the Chair of Sheriff David Mackie, was published in May by the Promise Scotland. The recommendations from the Report have been submitted to the Scottish Government with a response expected at the end of the year.

Children's Parliament have commented:

"It acknowledges that some things are good, but good can be better, and outmoded attitudes, understandings and behaviours can go. The report uses the broader language of rights, it talks about putting the child at the centre, considering the whole child, it clearly acknowledges (as does the UNCRC) that the family is the fundamental group in society and the natural environment for the growth and well-being of all its members and particularly children, and that families must be supported. It identifies the need for professional learning for people across the system when it comes to children's human rights."

The report summarises change under the heading 'What will these changes look like for children and families?' and provides an example of how to undertake a Children's Rights Impact Assessment. Published as part of the suite of materials, it sees this as only the first stage of an ongoing assessment of the impact of changes that are required in terms of the rights of children across service redesign.

