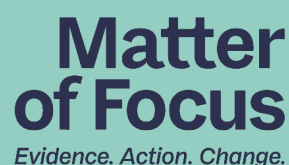




Theory of Change for Making Children's Rights Real in Scotland

June 2022



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The **Observatory of Children's Human Rights Scotland** is a collaborative of Scottish organisations working to drive implementation of children's human rights in Scotland, with local impact and global learning. The organisations working together to develop the Observatory's strategy and agenda are: CELCIS, Childhood and Youth Studies (MHSES, University of Edinburgh), the Children and Young People's Commissioner Scotland, Children's Parliament, the Global Justice Academy (Edinburgh Law School, University of Edinburgh), Inspiring Children's Futures (University of Strathclyde), the Scottish Youth Parliament and Together (Scottish Alliance for Children's Rights).

Matter of Focus is a purpose-led company helping organisations to work more meaningfully with the outcomes that matter to them, using a theory of change approach.

Public Health Scotland (PHS) is Scotland's lead national agency for improving and protecting the health and wellbeing of all of Scotland's people.

We are extremely grateful for all of the individuals who took the time to contribute to the development of the Theory of Change and this accompanying report and annexes. We additionally extend our gratitude to the experts who undertook rapid reviews within tight time constraints.

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Foreword

The publication of the Theory of Change for Making Children's Rights Real in Scotland comes at an important stage in our journey to incorporating the United Nations Convention on the Rights of the Child into Scots law and to further embed a rights-based approach in our public sector policy-making and practice in Scotland. Although the Supreme Court judgment has meant that the UNCRC (Incorporation) (Scotland) Bill has not yet, at time of publication, received Royal Assent, the Deputy First Minister has recently set out proposals for addressing that judgment and bringing the Bill back to the Scottish Parliament for reconsideration. The Scottish Government's commitment to the Bill and to children's rights remains clear and, as the Deputy First Minister said in his statement to Parliament, we can now move closer to building a Scotland where respect for human rights anchors our society and the institutions which govern and deliver public services.

The intent behind the Bill is to deliver a proactive culture of everyday accountability for children's rights across public services in Scotland. As passed, the Bill will require all 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 as set out in the Bill. Children, young people and their representatives would have a new ability to use the courts to enforce their rights.

Delivering the type of transformational change that we want to see for children's rights requires proactivity on the part of all public services and, as the Theory of Change highlights, a shift in attitude among wider society too. The process of bringing our partners and stakeholders together to help articulate the Theory of Change has been as important as the output from this work. It has brought together a wide range of insights, hopes and expectations and helped us all coalesce around a shared vision of what we want to achieve for Scotland and a shared understanding of the building blocks for that.

The product of this work will help the Scottish Government and UNCRC Strategic Implementation Board consider not only if there are any gaps in the three year implementation programme that need to be filled but also to identify indicators that our building blocks are in place and that they are making a difference to outcomes for children and young people. This report will also help all those who read it to recognise where they have a role to play in supporting our vision and how they can drive forward change that makes children's rights real.

Michael Chalmers

Director for Children and Families, Scottish Government, and Chair of the UNCRC Strategic Implementation Board.

Summary

Since the Scottish Parliament made the landmark decision to bring the United Nations Convention on the Rights of the Child (UNCRC) into Scots law,¹ 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 incorporation and have built up their own knowledge and experience of this work. Together we 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.

¹ For more information on the status of the UNCRC in Scotland, please see: 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/>.

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 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

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 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.

The outcome maps are available in full in this report (see '[The Theory of Change](#)'). The table below shows the heading of each outcome map along with some of the key actions that will be involved.

| Policy | Capacity | Culture | Empowerment |
|---|--|---|---|
| Children and young people meaningfully participate in policy-making | Cross-sector systems leadership for this work | Children and young people are part of changing the culture | Children and young people meaningfully participate in designing system to uphold rights |
| Awareness of UNCRC raised amongst policy-makers | Duty bearers take proactive steps to ensure compliance | National awareness-raising and information | Duty bearers ensure a trusted, effective and child-friendly system to uphold rights at all levels |
| UNCRC incorporated to maximum extent possible | Duty bearers provide capacity-building and implementation support and demonstrate rights-based ways of working | Explore patterns of social norms on children's rights to inform interventions | Advocates and scrutiny bodies hold duty bearers to account |
| Children's rights integrated across policy areas | Leaders and champions communicate and demonstrate a rights-based approach | Leaders and champions communicate and demonstrate a rights-based approach | System grows from positive and negative experiences and challenges |
| Tools used such as national action plan and Child Rights and Wellbeing Impact Assessments | System grows from positive and negative experiences and challenges | Invest in community-based approaches for people to experience a rights-based approach | |
| Children's rights considered in budgets | | Children and young people learn about their rights | |
| Children's rights indicators developed | | System grows from positive and negative experiences and challenges | |
| Scrutiny bodies hold government to account | | | |

Fig. 1 Key actions for the areas of change

The four outcome maps are not separate and changes in one part of the system will influence the others. For example, we know that countries with more success in implementing the UNCRC tend to have a culture of supporting children's rights and viewing children as rights

holders. Another example of such a relationship would be a result of a complaint's process that suggests a policy needs to change.

There are some important messages across all four outcome maps in the Theory of Change. These also help us to see them as one piece of work.

- ✓ Essential to this work is that everyone understands and shares the language of children's rights and helps make sure children can enjoy their rights.
- ✓ Children and young people need to have opportunities to participate meaningfully, both as individuals and collectively.
- ✓ Rights must be realised for all children and young people, with particular attention to those whose rights are most at risk.
- ✓ Work is needed to create a rights-respecting culture, where people have good understandings of what it means for them in their settings, and what they can do to help make sure everyone has their rights met.
- ✓ Part of the change will be to make sure children and young people are more visible in public life and children's capabilities, contributions and participation rights are recognised.

Building on what we know

As part of this project, four rapid evidence reviews were commissioned to sit alongside the Theory of Change. They looked at existing evidence on each of the four areas of change. You can [read these reviews in full here](#).

In complex change like this, many things will often happen at the same time or at different times in different places. There is not always enough evidence to say what in order things should happen. For some changes, having multiple interventions happening at the same time at different levels has been shown to work well.

The evidence helps us to understand the **'building blocks'** for successful change (see pages 39-42 within ['Guiding principles'](#)) and, to a lesser extent, some learning about what needs to happen in the initial stages. One example is the recommendation to build on the new obligations for duty bearers by initially building capacity for the right, supportive environments around individuals. It will be important to reach out to hearts and minds to nurture people's commitment to children's rights. Active support for implementation of the UNCRC will be important on the ground. Another example is that in policy, a well-resourced and rights-based national action plan underpinned by legislation can make children's rights more visible in policy-making and lead to more coordinated implementation.

What comes next?

A Theory of Change is a good tool for managing complex change. The Scottish Government and other duty bearers can use this Theory of Change to:

- ✓ Create action plans; and
- ✓ Work out how far they are making progress towards implementation of children's rights.

For example, the Scottish Government can use the Theory of Change to monitor how policies are adapted across departments. A local authority can take the Theory of Change and use it to plan what they need to do within their area to realise children's rights. A children's charity could apply it to a new programme of work. Our report includes some guiding principles that will help people to apply the Theory of Change to their work (see ['Guiding principles'](#)).

It will take many years to see all of the changes set out in the outcome maps. In making children's rights real, we talk about **'progressive realisation'**. This means that the government and other duty bearers must, while ensuring a **'minimum core'** of rights, move forward and make sure that all children's rights are realised over time, keeping track of their progress. Some changes will be detectable sooner than others – these are sometimes called indicators of **'process'** (things being done differently). For example, in policy change we can usefully monitor whether policies have been adapted, and that layers and areas of government are coordinating this work effectively. We could also track the use of children's rights language. Further work is required to develop a strong set of indicators for children's rights, with participation from children, young people and other stakeholders. Indicators are information helping us to know whether children and young people are having their rights respected.

Who was involved in this project?

This shared work was led by the Observatory of Children's Human Rights Scotland ("the Observatory"), Matter of Focus and Public Health Scotland. It took place from November 2021 to March 2022. It was funded by Scottish Government. Involving over 60 organisations in this work has been valuable preparation for UNCRC implementation.

We would like to extend our warmest thanks to all of those organisations and individuals who took part in this project and generously shared their insights. In particular, we would like to mention the contribution of children and young people from Rights Right Now and the adults from Together and Together's membership who supported them.

Introduction

“Change will come when adults start acting on what they’re saying”

(quotation from Rights Right Now workshop with children and young people on the Theory of Change)

The Scottish Parliament unanimously passed the UN Convention on the Rights of the Child (UNCRC) (Incorporation) (Scotland) Bill in a landmark vote in March 2021. Many people and organisations in Scotland have since been considering how best to implement the Bill and ensure children's human rights are respected, protected and fulfilled.

While the 2021 Bill cannot receive Royal Assent in its current form (due to the October 2021 Supreme Court judgment),² the Scottish Government remains committed to incorporating the UNCRC into Scots law to the maximum extent possible and as soon as practicable. At time of writing, the Scottish Government was engaging with key stakeholders on necessary amendments to the Bill in preparation for bringing it back to the Scottish Parliament for reconsideration. While the Scottish Government has been considering the most effective way forward for this legislation, the majority of the work on the UNCRC Implementation Strategy is proceeding.

To support this transformative change, the Observatory of Children's Human Rights Scotland (“the Observatory”), Matter of Focus and Public Health Scotland have been awarded a grant by the Scottish Government, to lead a collaborative effort to develop a Theory of Change for the process of UNCRC implementation in Scotland.

A Theory of Change approach is one way of managing change in complex systems. This Theory of Change provides a shared language to describe the next steps to be taken, highlights to the best of our current knowledge and understanding what approaches are likely to be important, and supports duty bearers to create their own action plans by considering their starting points and which parts of the Theory of Change apply to them.

This report is for two groups. First, it supports those who have strategic roles to prepare for the new duties in the Bill. Second, it is a resource for those wanting to be a part of the “revolution in children's rights”³ unfurling across Scotland. **This work will prove useful to organisations drawing upon this framework to develop action plans tailored to their work and circumstances. To this end, you will find guidance on how to apply the Theory of Change to your work in the [final section of the report](#).**

² Accurate at time of writing. For more information on the 2021 Supreme Court judgment, see <https://togetherscotland.blog/2021/10/06/supreme-court-judgment-heres-what-you-need-to-know/>.

³ Scottish Government, “Landmark for children's rights”, press release, 16 March 2021, <https://www.gov.scot/news/landmark-for-childrens-rights/>.

Realising children's human rights requires complex systems change

Incorporation will introduce statutory duties for children's rights to be respected, protected and fulfilled. Key stakeholders shared with us their vision for what fully integrating and embedding children's human rights in Scotland would mean. According to this vision:

- Adults recognise the capacity and contributions of all children and young people.
- Children's human rights are the primary lens for all of our work with children and young people.
- The views of children and young people are front and centre in decision-making on matters that affect them.
- There is a "social embedding" of a children's rights culture in Scotland respecting the rights of all children and young people.
- There are supportive and child-friendly processes for redress and remedy when things go wrong.
- We do not see the most marginalised children and young people experiencing breaches of their rights.
- Alongside other human rights instruments, UNCRC implementation contributes to the embedding of human rights in Scotland, for the benefit of children, young people, adults and families alike, and towards creating a more colourful, inclusive, equal, hopeful and positive society.

Children and young people from Rights Right Now⁴ told us how important it was for them to experience their rights being met, across all aspects of their daily lives. Further, they recommended that adults learn about children's human rights and lead by example, treating children and young people in ways that feel equal, respectful and responsive. Rights Right Now have been advising on UNCRC implementation since September 2021, and their input to this project is in character with their advice as a whole. These are highly consistent messages from children and young people more generally, as can be seen in [responses from Children's Parliament's consultations](#) and the Scottish Youth Parliament's campaign [Right Here, Right Now](#).

We can think about the many things that need to happen to achieve this vision. Policy across all levels needs to be adapted and coordinated to integrate children's human rights fully. People who come into daily contact with children and young people in the delivery of public services and those whose work impacts children and young people need to understand what this vision means to them. To enable everyone to respect, protect and fulfil children's rights, they need to have the attitudes, orientation and will, the capacity and capability, and the permissive environment and support of the organisations they work within. A child-friendly system needs to

⁴ Rights Right Now is a pilot project established to bring together children and young people to provide their views to the UNCRC Strategic Implementation Board. For more information, visit Together's website: <https://www.togetherscotland.org.uk/about-us/our-partnerships/rights-right-now/>.

be in place for children and young people, their parents, carers and other supporting adults to gain redress and effective remedy when their rights are not met, with the support of advocacy and information services when needed. Holding all of this, a wider set of cultural norms must value and appreciate children and young people for their capacities and contributions in the present, and provide the foundation for a rights-respecting society.

These important interlocking processes do not happen simply and will take time to realise. Although duty bearers will have clear obligations, it is not in the gift of any one organisation, body or group to deliver this vision alone. Change will be required at many different levels and will happen at different speeds for different aspects of change, and for different people and groups. Everyone will need to be engaged and involved, with duty bearers having legal responsibilities. Children, young people, parents and carers will need the information and support to understand children's rights and how to defend them.

When seeking a system-wide change like embedding children's human rights in Scotland, it is helpful to understand how complex systems work. In complex systems:

- Change happens in complex and non-linear ways that may be hard to predict and might evolve in unexpected ways;
- There are many interactions between people and places, leading to unpredictable outcomes and patterns;
- Interventions, approaches and programmes interact and affect each other;
- Previous policies, ways of working, structures and processes continue to hold influence on the system;
- Information and knowledge can have large effects on the system, as data, evidence and stories influence how people think and act.

Complexity, systems thinking, and systems change literatures tell us that effective approaches to tackling whole systems change:⁵

- Facilitate whole systems leadership;
- Avoid a top-down or mechanistic approach, investing instead in co-production, shared and local ownership;
- Provide leadership around values and principles;
- Create roles for system brokers – people who work across boundaries to help make the connections and steer change;
- Encourage feedback loops that channel information back into the system at all levels;
- Encourage environments that are permissive of the change we want to see;
- Describe the change, foster local ownership and action plans, and provide support and resources to get there;
- Attend to the very human challenges at the heart of transformation.

⁵ Please consult [Evidence Paper no. 2](#) for further information on complex change and whole systems change.

Our Method

From November 2021 to March 2022, the project aimed to create collectively a Theory of Change for implementing the UNCRC in Scotland, through a structured, evidence-based process. The project's approach drew from both systems change and implementation literatures, to recognise the complexity of the change envisioned while seeking to outline a core framework of processes and drivers to be activated in order to enable this change. **The work of implementing the UNCRC operates in a complex system**, with a complex web of actors, varying states of readiness and varying priorities. Because of this complex context, it was agreed from the outset that **the journey of developing the Theory of Change was as important as its result**.

To this end, over the entirety of the project several workshops and sessions were held with a range of stakeholders including children and young people, civil society, public services, teams across Scottish Government and associated strategic groups. Altogether, the Theory of Change was developed and refined through **engagement with over 60 organisations**.

Alongside the collaborative process of developing the Theory of Change, Public Health Scotland led the project's evidence strand. **Rapid reviews were commissioned** to examine the evidence on what best effects change, and how to apply this to the Scottish context, through the Theory of Change.

While other countries have incorporated the UNCRC to varying degrees, to the project team's knowledge this collaborative, evidence-based process of developing a Theory of Change for implementing the UNCRC is **the first of its kind worldwide**. Further information on the project's process can be found in [Annex 1](#).

Background to the Theory of Change project

Incorporating the UNCRC into Scots law

Children and young people⁶ have the same human rights as adults. While all international human rights treaties apply to children and young people, **the UNCRC recognises children's particular rights as children**. Though the United Kingdom (UK) ratified the UNCRC in 1991, children and young people across the UK have not to date been able to enforce their rights directly because it was not part of national legislation.⁷

To realise children's human rights in Scotland, the Scottish Government pledged in 2019⁸ to incorporate the UNCRC in Scots law. This was a ground-breaking commitment, which would make Scotland the first country in the UK to do so. **To the extent of the legislation and within the limits of devolved powers, the rights and obligations in the UNCRC will be directly enforceable in Scotland.**

Scotland has a history of children's rights within its policy-making, so certain UNCRC rights are already embedded in law, policy and practice. **The UNCRC is an overarching framework** that supports intersecting developments – such as [Getting it Right for Every Child](#), [the Promise](#)⁹ and the forthcoming National Care Service – and its reach once incorporated will go far beyond children's services to areas like transport and planning.

However, passing legislation does not ensure a children's rights-based approach in practice. To address this, the Scottish Government has developed a UNCRC Implementation Programme, running for three years initially between 2021 and 2024. The Theory of Change project is part of this Programme.

The Scottish Government is planning to incorporate further human rights instruments, which will also impact children and young people.¹⁰ The connections between human rights standards and

6 In line with Article 1 of the UNCRC, all people under the age of 18 are children. However, we acknowledge that many older children prefer the term 'young people' and so use the term "children and young people" throughout the report.

7 For more information on the status of the UNCRC in the United Kingdom and specifically in Scotland, please see: 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/>.

8 Nicola Sturgeon's address to SNP conference, 28 April 2019, <https://www.snp.org/nicola-sturgeons-address-to-conference/>.

9 The Promise published their first implementation plan in 2022: <https://www.gov.scot/publications/keeping-promise-implementation-plan/>.

10 Correct at time of writing. Through a proposed Human Rights Bill for Scotland, which will incorporate the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Elimination of All Forms of Racial

overlap between accountability mechanisms will have to be kept in mind from the earliest stages, in order to lay the groundwork for later incorporations.

A children's rights-based approach

The language of children's rights, which is reflected within the Theory of Change, and the language of theories of change itself, are new to some people. We have heard concerns of the Theory of Change being inaccessible and possibly alienating due to its use of terms such as "duty bearers" and "rights holders". UNCRC incorporation into Scots law will bring with it wide-ranging changes; one of them will be the evolution of language.

Throughout this process, we have kept in mind the tension between using the language stakeholders might be more familiar with, and using children's rights-based language that remains precise enough to be effective.

What is a children's rights-based approach?

One of the key outcomes of UNCRC implementation is embedding a children's rights-based approach across all sectors and at all levels. Simply put, **a children's rights-based approach means putting children's rights at the heart of what you do**. It is an approach grounded in the legal rights set out in the UNCRC, bringing "together the general principles of the UNCRC and the wider international human rights framework to offer a practical tool for working with and for children and young people".¹¹

Work has already been undertaken in Scotland to develop the key tenets of a human rights-based approach. The Scottish Human Rights Commission has developed the **PANEL principles**, which break down that this will mean in practice:¹²



- *Participation*: People should be involved in decisions that affect their rights.
- *Accountability*: There should be monitoring of how people's rights are being affected, as well as remedies when things go wrong.

Discrimination (CERD), the Convention on the Rights of Persons with Disabilities (CRPD), and recognise the right to a healthy environment.

¹¹ 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/>.

¹² Scottish Human Rights Commission, *A human rights based approach: an introduction*, https://www.scottishhumanrights.com/media/1409/shrc_hrba_leaflet.pdf.

- *Non-Discrimination and Equality*: All forms of discrimination must be prohibited, prevented and eliminated. People who face the biggest barriers to realising their rights should be prioritised.
- *Empowerment*: Everyone should understand their rights and be fully supported to take part in developing policy and practices which affect their lives.
- *Legality*: Approaches should be grounded in the legal rights that are set out in domestic and international laws.



We have clearly heard the message that the non-discrimination principle is of key importance to successfully implement the UNCRC.¹³ A children's rights-based approach means that all forms of discrimination are prohibited, prevented and eliminated and that the children and young people whose rights are most at risk are prioritised.¹⁴ This has been reflected within the Theory of Change.

Duty bearers and rights holders

In international human rights law, duty bearers refer to all those who hold obligations under the UNCRC, with the state being the primary duty bearer. Duty bearers must respect, protect and fulfil children's human rights.¹⁵ In practice, this often translates into adopting a children's rights-based approach to their decision-making and service delivery.

In the context of UNCRC incorporation in Scotland, we envisage **duty bearers** will be all public, private and voluntary sector bodies who will be **legally required to 'act compatibly' with the UNCRC requirements** under the UNCRC Incorporation Bill.¹⁶ This will be a wide group, from Scottish Ministers and Scottish Government officials, to the full range of public services from local government to health to justice. It will also include private and voluntary sector bodies delivering "functions of a public nature", including functions carried out "under a contract or

13 Non-discrimination (Article 2) is one of the four General Principles of the UNCRC. For further information on General Principles, see 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/>.

14 Scottish Human Rights Commission (2018), *Human Rights Based Approach: A Self-Assessment Tool*, https://www.scottishhumanrights.com/media/1814/shrc_panel_self-assessment_tool_vfinal.pdf

15 According to the United Nations, "The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights." See <https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law>.

16 The final definition will be included in the eventual UNCRC Incorporation Act. At time of writing and in order to address the Supreme Court judgment, the scope of the definition is likely to be limited to devolved bodies delivering devolved functions.

other arrangement with a public authority". This could include for example private/independent childcare providers and schools, private care homes, private healthcare and private transport providers.

Children under the age of 18 are rights holders under the UNCRC and are entitled to the rights enshrined in the Convention. The UNCRC also underlines that rights and responsibilities of parents, carers, the extended family and community must be respected and supported, so that they can in turn support children's human rights.

Accountability

For children's human rights, accountability is defined as:

"the ability to make certain that those charged with protecting and fulfilling child rights actually do what they are supposed to do, and if they do not or cannot, that children and their representatives have some recourse. Accountability is both a mechanism and a process by which government and private actors are required to demonstrate, explain and justify how they have fulfilled their obligations to realize children's rights, while children and their representatives are given the opportunity to understand how these duty bearers have (or have not) discharged their responsibilities ..., and to decide, given that information, what action they want to take to claim their rights."¹⁷

For the Theory of Change this means both ensuring children and young people are able to **have their rights respected** and **challenge any breaches** of their rights, and identifying who can be **held to account** and how.

The Theory of Change surfaced **different uses and aspects of the term 'accountability'** across stakeholders:

- ❖ Accountability has different meanings to different people. Legal accountability has a specific meaning which refers to the mechanism for upholding legal duties through the judicial system. For the children's rights sector, it is about holding duty bearers to account through rights monitoring mechanisms. To a lay person, it can be about personal accountability which is largely influenced by social norms.
- ❖ There are layers to accountability and individuals can hold dual roles as duty bearers and rights holders. Organisations can be duty bearers and also scrutinise others' policies and practices on children's human rights. Within sectors and even within organisations, some actors will have a role in making the UNCRC real in practice and others will have a role in holding those actors accountable.

17 UNICEF (2015), *Accountability for children's rights: with special attention to social accountability and its potential to achieve results and equity for children*,

<https://sites.unicef.org/policyanalysis/rights/files/Accountability-for-Childrens-Rights-UNICEF.pdf>.

- ❖ The Scottish Government has a central role in realising children's human rights but equally everyone has a contribution to make.
- ❖ Additionally, while the Scottish Government is the primary duty bearer for making children's rights real in Scotland, as previously stated the UNCRC's implementation takes place within a complex context. We know that whole systems change does not take place overnight and that the vision of a Scotland where all children's rights are always respected is a perpetual goal. Simultaneously, there is a minimum core of rights which must be maintained.¹⁸





We must acknowledge the additional pressure placed on the already stretched individuals and systems providing critical services. Organisations must support duty bearers to meet their legal obligation to act compatibly with the UNCRC and ensure they are equipped and resourced to deliver on their responsibilities for children and young people; **this cannot be left to individuals to deliver alone**. Throughout the process of implementing the UNCRC – which will take place over several years – these individuals require the time, space and grace necessary to learn and apply a children's rights-based approach consistently. **Time is needed** for successful implementation and for a sufficient learning period.

¹⁸ For more information : 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/>; and Together (2022), *State of Children's Rights in Scotland*, https://www.togetherscotland.org.uk/media/2204/socrr-22_final.pdf.

Introducing the Theory of Change

Four change processes for UNCRC implementation

The work saw broad agreement that implementation of the UNCRC will involve four interlocking change processes:

| | |
|---|--|
|  | 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. |

Creating cohesion and unity across the Theory of Change are the following embedded themes:

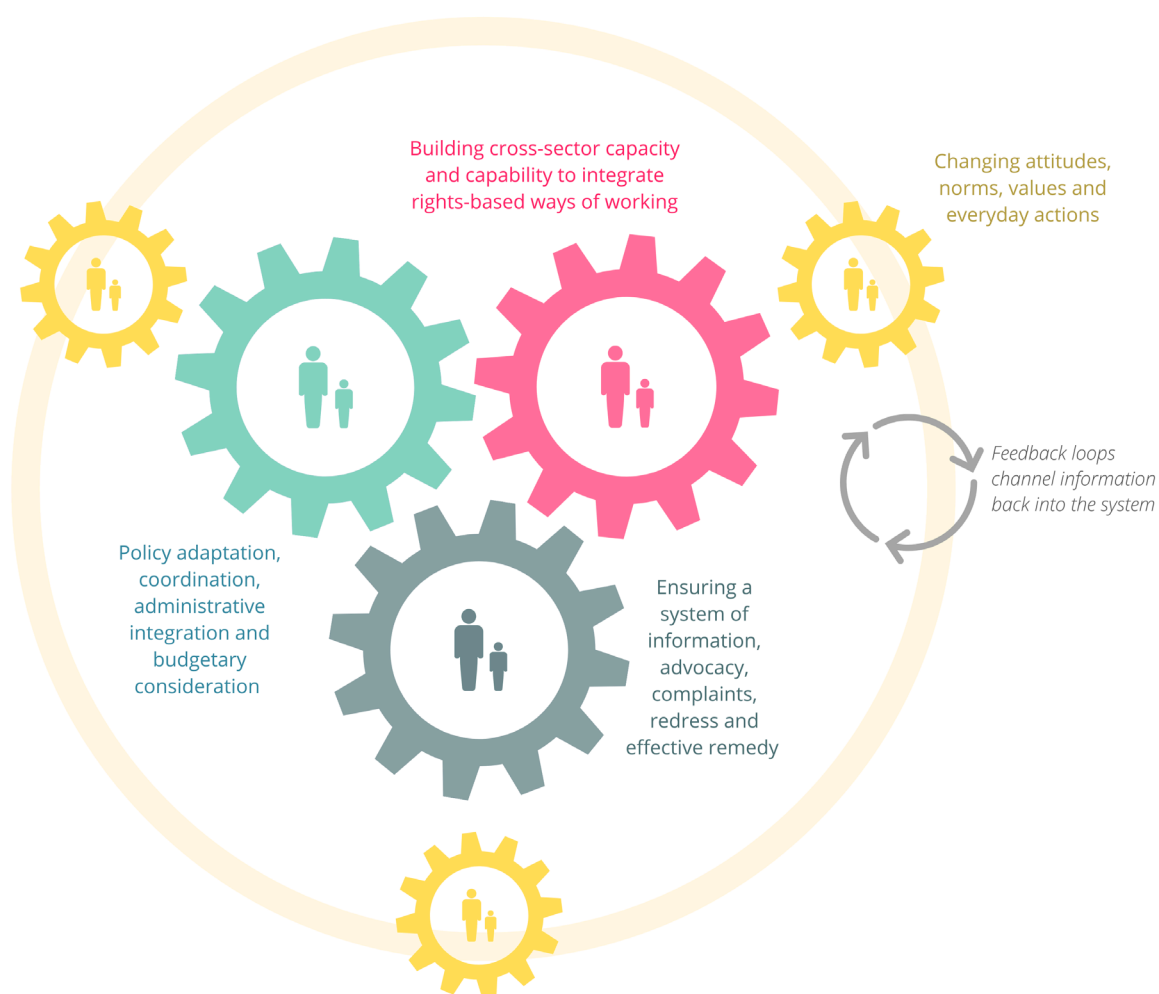
- ❖ Fundamental to this work is using a children's rights-based approach, sharing the language of children's human rights, and ensuring children and young people can enjoy their rights and have access to effective redress and remedy when needed.
- ❖ Ensuring children and young people's meaningful participation, both individually and collectively, including their involvement in shaping implementation.
- ❖ Thinking always about equality and keeping a focus on children and young people whose rights are most at risk.
- ❖ Creating a rights-respecting culture that includes awareness and understanding of the UNCRC, what it means for particular areas of work, and how adults (and other children) can support children and young people to access their rights.
- ❖ Ensuring greater visibility of children and young people in public life and a broader appreciation of their capabilities, contributions and participation rights.

For each of these change processes, we have produced an '**outcome map**'. An 'outcome map' is a flexible tool that connects up the actions you take with the results you expect to see, through a sequence of logical and reasonable steps. The outcome maps should be considered together:

- They are interrelated and co-dependent – obstacles in any one map will hinder progress in others, and they can influence each other in positive ways too;
- They need to adapt and change as learning emerges and as the work progresses – they are the current vision for change, but might look different after six, twelve months or longer; and

- They can provide a framework for thinking about where evidence, feedback, monitoring and learning will be most important (and indeed that can cycle back into informing any adaptations).

The visual below proposes a relationship between these four processes, highlighting their interdependencies. Implementing the UNCRC takes place in a dynamic context, meaning that new factors may emerge and that systems, as well as the Theory of Change itself, need to be live and adapting. Meaningful participation by children, young people, parents and carers, feedback as new initiatives unfold, and learning cycles create feedback loops in the system allowing for development and adaptation. Policy adaptation and coordination, building of capacity and capability, and ensuring that children and young people can access the system of information, advocacy, complaints, redress and effective remedy all influence one another, both positively and negatively. Attitudes, norms, values and everyday actions are vital to and surround these change processes, underpinning all of the other work. An example of this is the way that public attitudes and opinion interact with policy-making. We have used an icon showing an adult and a child in each part of the system, as a reminder of the relational nature of this work at every level.



UNCRC implementation happens in a dynamic context

Fig. 2 Complex systems change for realising children's and young people's rights

The Matter of Focus approach to the Theory of Change

The approach used for this work has been developed by Matter of Focus to help organisations working with complex systems change.

The Matter of Focus approach applies a framework using six simple headings to structure a Theory of Change, creating rational threads connecting each level of change:

- **'what we do'** (key activities)
- **'who with'** (who is engaged and involved?)
- **'how they feel'** (reactions and what is key to positive engagement?)
- **'what they learn and gain'** (knowledge, skills, capacity, attitudes)
- **'what they do differently'** (behaviours, practices and policy change)
- **'what difference does this make?'** (longer-term social outcomes, what is better for people?)

Unlike other theory-based logic frameworks that use the language of inputs, activities, outputs and impact, as we are concerned with people-based change, these headings keep the focus firmly on people throughout, including the foundational importance of feelings/reactions. Each item that appears on an **outcome map** can be thought of as a **'stepping stone'** on your change journey, often expressed in a form of words that feels meaningful and true to the work.

The Theory of Change presented here sets out a potentially decade-long process of implementation and embedding. It is expected that activity will take place in different parts of the system at different times, and that different parts of the system will move at varying speeds. We do not attach particular stages or time frames to the Theory of Change at this level, as the degree of flux is likely to be too great to capture, until it is applied to more specific settings. The outcome maps set out in this document should be read with the understanding that they are headlines for complex change processes.

Assumptions and risks

The work in our initial workshops included a collective review of the context for UNCRC implementation, from which we identified key influences that may help or hinder the change. We express these factors as **'assumptions and risks'**. The 'assumptions' are those factors that are relied on for the intervention to achieve its outcomes as intended. Assumptions must be attended to if change is to be brought about. The 'risks' are the factors that could compromise the hoped-for change. Making visible both assumptions and risks helps us understand why, as well as how far, the intervention has contributed to change. Assumptions and risks set an outcomes map in a real-world context. They are important to monitor and, if necessary, mitigate over time; they can also inform expectations of what the work is likely to achieve within a given timeframe.

Generating risks and assumptions collaboratively means that they represent many different perspectives and degrees of control over the context. What is a contextual assumption for one

person (e.g. having enough funding to actively support implementation) might be a foundational decision for another (to provide that funding).

The assumptions and risks should be read alongside the '**outcome maps**' as they provide insight into the influences that will allow the flow of changes across the headings, or that may inhibit progress and require adjustment, mitigation or further exploration. Understanding and working with risks and assumptions is key to assessing the contribution of a particular intervention or approach, reflecting the complex and context-sensitive nature of people-based work.

From our engagement on the interim paper, we have heard a clear message from a wide range of individuals and organisations that three assumptions upon which the Theory of Change relies are particularly key to its success.

1. Sufficient resources are allocated at all levels to ensure that Scotland meets and goes beyond the minimum standards set out in the UNCRC.
2. Children and young people's participation in decisions affecting them is truly meaningful.
3. A whole systems approach is taken to implementing the UNCRC.

How to read the Theory of Change

The following provides a brief guide to reading the Theory of Change.

- The **four outcome maps should be read together**. As a whole they make up the Theory of Change, with different outcome maps relevant to different groups and processes.
- We call the six headings ('what they do' and so on) '**steps**'. Each item underneath the headings is referred to as a '**stepping stone**'. Stepping stones are the results you expect to see under each heading.
- The Theory of Change should be read **from left to right**, column by column; however there are corresponding stepping stones across the headings.
- We attribute actions and outcomes to specific actors where possible and we explain this in detail below. Some are generic such as '**Leaders and champions**', or particular, such as '**Duty bearer**'. We have tried to balance being specific and inclusive with keeping this as concise as possible.
- To be consistent we have started each column with **what is important to children and young people's experiences**.
- Some of the **stepping stones appear in multiple pathways**. This shows the interconnections between the change processes, i.e. where multiple courses of action may contribute to the same outcome, or where the same feeling or reaction is needed to lead to positive change in a different area.
- Each map has a brief introduction and presents the '**assumptions and risks**' which contextualise it. These can be understood as factors allowing the flow of changes from step to step, thereby adding dynamism. An assumption does not always have a corresponding risk, but they often do.

Highlighting who is important to implementing the UNCRC

Getting the language and roles and accountabilities right within the Theory of Change has been challenging. Stakeholders asked for stepping stones to be attributed clearly to particular actors wherever possible. This had to be balanced against the complexities of implementation: the number of actors involved, the multiple levels at which this work sits, and the importance of local ownership for effective system change. Embedding a children's rights-based approach includes a culture change for everyone (universal), alongside particular lines of accountability for duty bearers (specific).

We have therefore used the following language to balance being as clear and specific as possible with being sufficiently inclusive of relevant actors.

- We use **'Everyone'** when we are talking about the wider population in Scotland, which includes children and young people, parents and carers, as well as people working within public authorities.
- We have heard a clear message from stakeholders that the Theory of Change must address the rights of *all* children and young people, with particular attention to those whose rights are most at risk. To capture this within a rights-based framing, we refer where possible to **'All children and young people'** and use the language, **'Children and young people whose rights are most at risk'**.
- We have used the language of children's rights to be forward-thinking and to promote familiarity with this framing and so we use the term **'Duty bearer'**. However, we also name certain actors who are also duty bearers, such as the Scottish Government, where their specific role will be particularly key.
- Duty bearers will differ in the degree and nature of contact with children, young people and their parents and carers, the nature and extent the duty bearers' decision-making will affect them, and their roles should children's rights be at risk or not being fulfilled. We use **'People who work everyday with children and young people especially early years, school and youth settings'**, which was the preferred terminology of the young people from the Rights Right Now, and a wider group of **'People whose work directly and indirectly impacts children and young people'**.

Outcomes of the Theory of Change

The following outcomes are shared across multiple outcome maps, with those in bold created from children and young people's contributions:

- **All children and young people are treated by adults in a way that is more equal, understanding, respectful and responsive.**
- **All children and young people experience respect for all of their rights across all areas of daily life.**
- It is the norm for children and young people to be at the heart of decisions that affect them at local and national levels.

- Children's rights are realised for all children and young people, including those whose rights are most at risk.
- Human rights form the bedrock of society and the institutions which govern and deliver public services.

These outcomes go beyond the legal obligations in the UNCRC Incorporation Bill: they are aspirational.

Each map also includes one or two outcomes specific to that map only, including one that is likely to be easier to reach and could be assessed at an earlier stage than the outcomes above.

Some stepping stones bear a particular relationship to existing Scottish Government policy (specifically the [Policy Memorandum for the UNCRC Incorporation Bill](#) and the [Scottish Government's action plan for children's human rights 2021-24](#)), the views of children and young people from Rights Right Now, and our evidence reviews. Where a particular stepping stone addresses a policy outcome, we have used the same language; however where our intention is either broader, or substantively different in meaning, we have used the language generated through this wider process.

The Theory of Change

You may wish to [view the outcome maps online via an interactive report](#) that has been produced in OutNav, a software created by Matter of Focus to hold outcome evaluation.

Change process 1: Making children's rights real through policy adaptation and coordination, administrative integration and budgetary consideration

This outcome map sets out the changes in policy, administrative integration and budgeting that will be required to create alignment with children's rights. It addresses national and local policy-making processes, including coordination between national and local levels and across policy areas. It carries a strong thread around the meaningful participation of children, young people, parents and carers in policy-making.

The [Evidence Paper](#) for this change process highlights positive associations between incorporation, establishing supportive systems, and a culture of respect for children's human rights. The outcome map has been adapted to reflect the evidence on non-legal measures of implementation such as: having a properly resourced national action plan for children's human rights; Child Rights and Wellbeing Impact Assessments that are supported by senior leaders, properly resourced, timely and purposeful; making children's rights visible in budgets; and both collecting and using data to assess whether all children and young people are having their rights met. Human rights bodies and the Scottish Parliament are essential to monitoring the UNCRC and their scrutinising role is also highlighted.

By engaging stakeholders and through the relevant evidence review, we have identified and prioritised the following assumptions and risks for this change process.



Assumptions

- High level, strategic leadership drives the policy change forward.
- Effective approaches are used to coordinate implementation across policy areas.
- With capacity and support, tools such as Child Rights and Wellbeing Impact Assessments are both done and used well.
- Implementation is robustly monitored and the system has capacity to accommodate and grow from positive and negative experiences and challenges.
- A children's rights-based approach to budgeting is taken and there are sufficient resources for this.
- Children's human rights provide a framework within which other policies are connected and contextualised (e.g. GIRFEC, The Promise).

- The participation of children, young people, parents and carers in policy development is meaningful, including that they are prepared, informed and supported.
- This work considers all rights and all children and young people, with particular care and attention to those whose rights are most at risk (this includes the availability of data that can be disaggregated).



Risks

- People do not implement the Bill holistically or in a coordinated way.
- People do not see this as their responsibility, especially in wider disciplines.
- Children's rights are not adequately prioritised in the face of competing demands.
- Children's rights are not fully met because of the complexity of reserved and devolved powers in Scotland.
- Monitoring is insufficiently robust to inform progress.
- There is an implementation gap (for example without adequate funding at the local level, policy will fail to create the intended change).
- Timelines are unrealistic for the scale of the change.
- Public awareness and opinion does not keep pace with policy development.
- There is insufficient transparency about how feedback is informing continued progress.
- Participation is not done, or it is not done well or meaningfully.
- Particular children and young people or particular contexts are missing from consideration.
- Competing policy priorities overshadow the commitments to implement children's rights effectively.

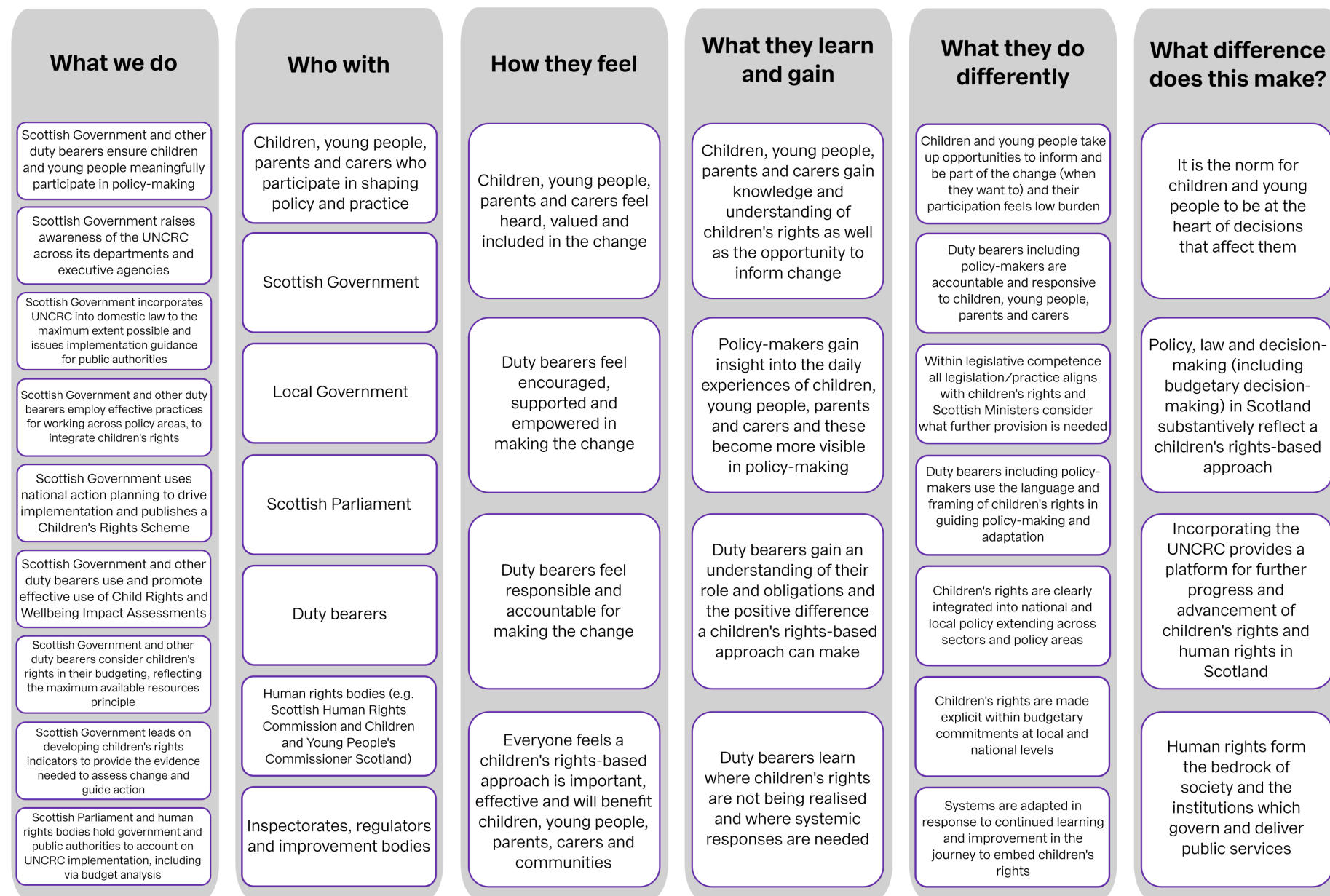


Fig. 3 Outcome map 1: Making children's rights real through policy adaptation and coordination, administrative integration and budgetary consideration

Change process 2: Making children's rights real by building cross-sector capacity and capability to integrate rights-based ways of working

This outcome map considers how policy may be interpreted and put into practice, and how capacity and capability will be supported and nurtured within the workforce and wider public authorities who are duty bearers. It contemplates raised awareness and understanding of both duties and accountability and of the positive potential of a rights-based approach to contribute to better outcomes for children and young people. This outcome map has a particular interaction with and reliance on outcome map 3, which explores changes in culture and social norms.

Our [Evidence Paper](#) for this change process stresses the importance of affecting the system at multiple levels and entry points and of assessing the starting point for implementation, including existing good practices. It affirms the importance of system leadership and shared ownership of the values and principles. Collaborative work locally is important, articulating with and complementing what people are already thinking and doing to support children's rights. In due course, people will need to know 'how' to make change, as they turn the Theory of Change into action plans for their areas of work. Actors need to share a strong intention to work in this way – emphasising the importance of wider culture change as a key driver. It is vital to build the capacity of the system at all levels to support these growing capabilities, and to accommodate and grow from positive experiences and challenges.

In our work, by engaging stakeholders and through the relevant evidence review, we have identified and prioritised the following assumptions and risks for this change process.



Assumptions

- Systems can be enhanced, improved or redesigned to strengthen rights-respecting approaches.
- This gains the attention of people whose work directly or indirectly impacts children and young people, and people feel this is relevant to them.
- A thoughtful and careful approach to capacity-building is taken, based on what people need.
- It is possible to foster strong intentions at all levels to put into practice a rights-based approach.
- Environments are permissive and enable people to have time and capacity to process what is needed of them.
- We build the system's capacity to accommodate and grow from positive and negative experiences and challenges (the system listens and communicates).
- Tangible successes in some parts of the system reinforce and lead to successes elsewhere.
- Duty bearers' obligations are understood and held at system and organisational levels.

- Public awareness and opinion keep pace with practice changes.
- A children's rights-based approach to budgeting is taken and there are sufficient resources for this.
- Strong leaders and early adopters champion a rights-based approach and system leaders/entrepreneurs coordinate and make connections across the system.
- The participation of children, young people, parents and carers is meaningful, including that they are prepared, informed and supported.
- This work considers all rights and all children and young people, with particular care and attention to those whose rights are most at risk.



Risks

- Systems discourage or hinder people from working in a children's rights-based way.
- Action is taken that is not well-evidenced or does not lead to the desired changes.
- The scale of this work is inherently challenging and people may have unrealistic timescales.
- People perceive a children's rights-based approach as peripheral or not relevant to them, especially in the wider group of people whose work directly or indirectly impacts children and young people.
- A children's rights-based approach is seen as an add-on, and separate to other imperatives, whereas it should underpin all policy and practice.
- There is cultural resistance to the concept of children's human rights or to individual rights.
- Practitioners themselves are not sufficiently nurtured and supported to have the emotional capacity for this way of working.
- Duties and obligations are not held at every level in the system, leading to a lack of support for individuals.
- A piecemeal approach fails to deliver whole system change.
- Without adequate funding at the local level, policy will fail to create the intended change.
- Participation is not done, or it is not done well or meaningfully.
- Particular children and young people or particular contexts are missing from consideration.

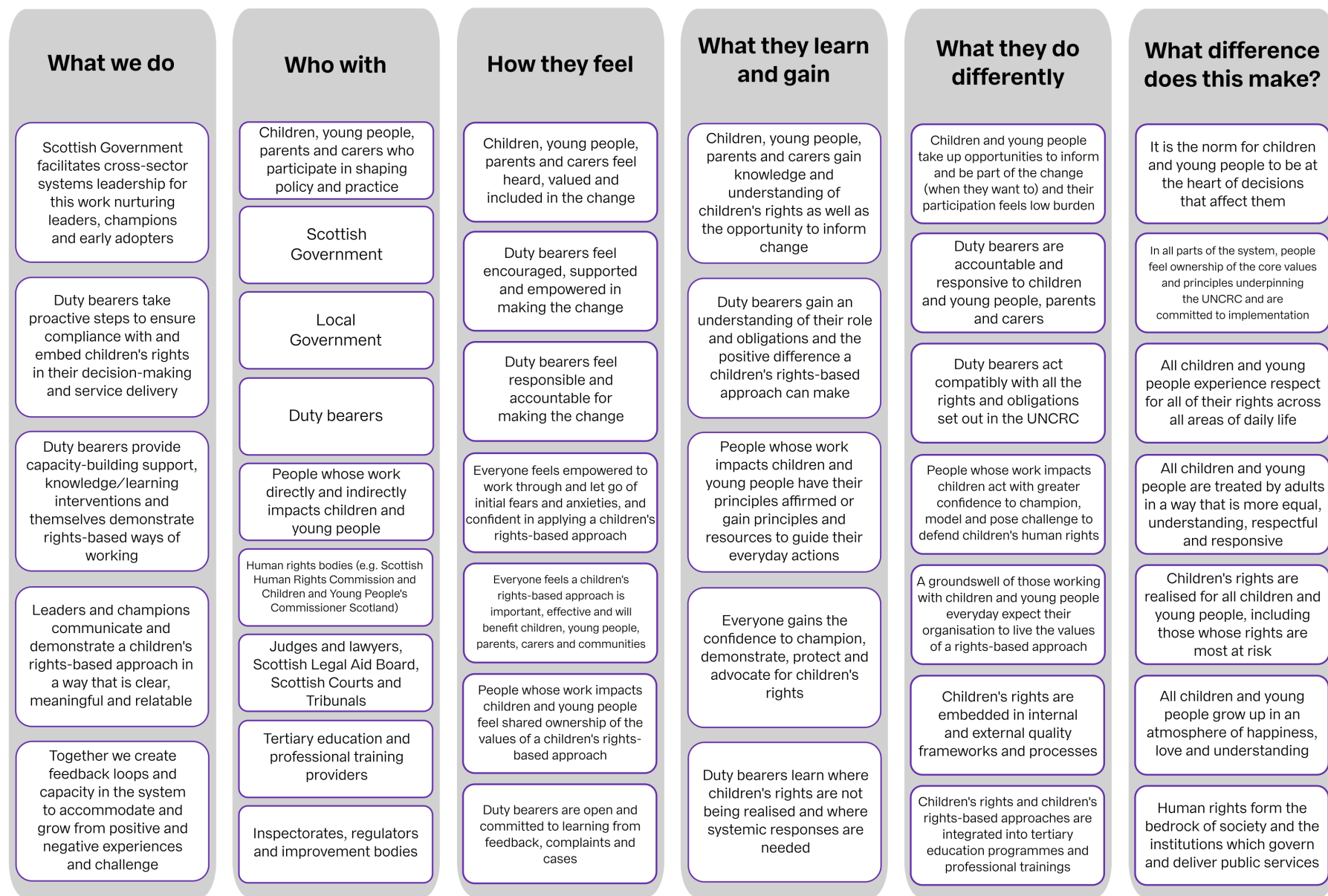


Fig. 4 Outcome map 2: Making children's rights real by building cross-sector capacity and capability to integrate rights-based ways of working

Change process 3: Making children's rights real by influencing attitudes, norms, values and everyday actions

Many stakeholders felt that this was the most challenging of the four change processes, with some existing cultural norms being the biggest barrier, and children and young people's ideas and energy being the most important force for positive change. Providing information alone will not work, as people need to connect with new ideas in a relational and meaningful way. Given the complexity of children's rights, messages need to be accessible and relatable. People will benefit from positive experiences, rather than just messaging, to continue to engage with a children's rights-based approach.

Attitudes that support a children's rights-based approach will be important for members of the public, children and young people, parents and carers, practitioners, managers and policy-makers. Indeed, many people hold more than one of the roles listed above, highlighting the importance of this outcome map for overall change. Stakeholders emphasised the organic nature of cultural change, the role of social activism and the role of children and young people themselves as 'joint architects' of a children's rights culture.

Our [Evidence Paper](#) for this change process firmly recommends that existing social norms need to be understood in order to reinforce norms and behaviours that are supportive of children's rights. In particular, diagnosing the strength of both positive and negative social norms around children's rights is an important tool in designing effective campaigns. Early adolescence is an important time for solidifying social attitudes and both parents, carers and peers may be important target groups influencing what young people internalise. Norms may be sustained by multiple social or reference groups as well as being embedded in social, political, legal and economic systems and structures. This means that multi-sectoral work is key. Focusing on early adopters, and scaling up effective early interventions horizontally, are helpful approaches.

In our work, by engaging stakeholders and through the relevant evidence review, we have identified and prioritised the following assumptions and risks for this change process.



Assumptions

- Children and young people's views, ideas and energy are a driving force for change.
- Children's human rights are articulated in a way that is accessible and relatable.
- Everyone adopts the language of children's human rights.
- Awareness and culture change programmes work across multiple levels/sectors/stakeholders at once.
- We have and apply an understanding of the relevant social or reference groups who support positive or harmful norms.
- People connect with the principles and values of a children's rights-based approach in a relational and meaningful way.

- People have opportunities to experience a children's rights-based approach in practice, especially in communities experiencing intergenerational tensions or conflicts, around access to public space for example or concerns about anti-social behaviour.
- Adequate resources are provided for information and awareness programmes and demonstration work at local level.
- The participation of children, young people, parents and carers is meaningful, including that they are prepared, informed and supported.
- All of the rights of the child are understood as being held by all children and young people.



Risks

- Cultural norms may be intractable, and some groups or social networks could be left behind.
- Children's rights language may be experienced as unfamiliar, formal or complex.
- Media and social media representation may be antagonistic to the concept of human rights in general or to recognising children and young people's capacities and contributions. There is a risk that children's rights are seen as being in conflict with parents' and carers' responsibilities and choices.
- Discourses within public services may be out of step with the values and opinions of parts of the broader population.
- Without adequate funding at the local level, culture change programmes will fail to create the intended change.
- What children and young people learn about their rights does not match their daily experiences and how they are treated, for all children and young people but particularly those whose rights are most at risk.
- Public sympathies may be with some children and not others.
- Participation is not done, or it is not done well or meaningfully.
- Too great a burden is placed on children and young people to make the change rather than adults leading by example.

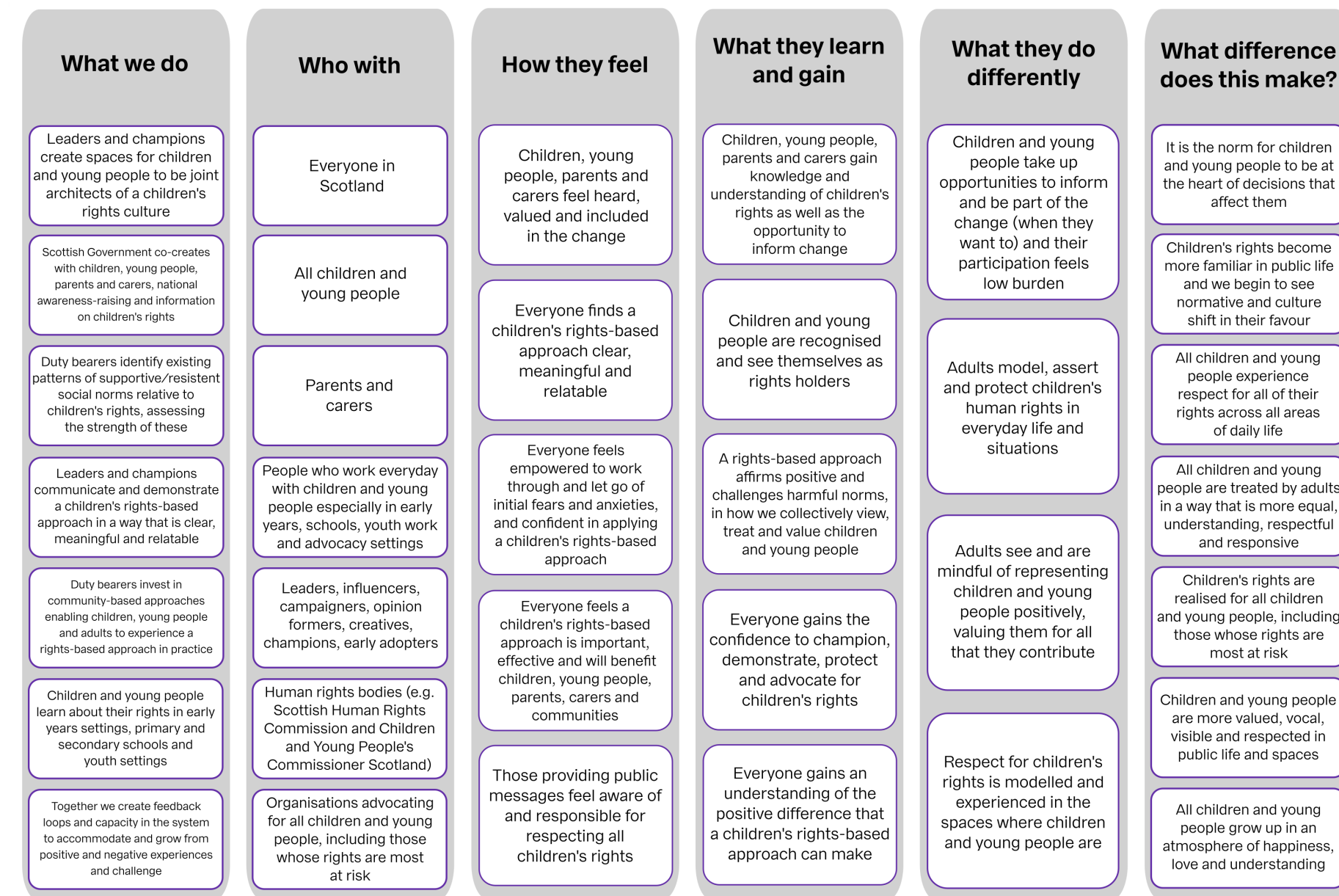


Fig. 5 Outcome map 3: Making children's rights real by influencing attitudes, norms, values and everyday actions

Change process 4: Keeping children's rights real by ensuring a system of information, advocacy, complaints, redress and effective remedy

To realise the potential of the UNCRC, children and young people need to have access to justice in situations where their rights may be breached. This means having a choice of processes and supports and having the information and advocacy that they need to access the system.

The outcome map encompasses both informal and formal responses to these situations, the need for supportive and child-friendly journeys through the system, and the need for system change that may arise from rights breaches in addition to redress/remedy at the individual level. This change process is key to accountability for children's human rights, providing constructive feedback and learning mechanisms and ways to test the system in progressively realising children's rights. It demands a responsive and constructive approach to complaints and feedback as well as high levels of support for realising children's rights. It seeks to recognise, respond to and resolve issues as early as possible, ensuring all have information about and respect for children's human rights. Within this outcome map, we use the terms "advocacy" and "advocates" in a broad way, encompassing both individual and collective advocacy.

Our [Evidence Paper](#) for this change process suggests that the system of information, advocacy, complaints, redress and effective remedy and its actors need to be trusted, and the processes, outcomes and relationships sustained. It highlights the need for a multi-institutional approach which shares the responsibility for human rights leadership and accountability between a broad range of actors, thus supporting the development of a rights-respecting culture.

In our work, by engaging stakeholders and through the relevant evidence review, we have identified and prioritised the following assumptions and risks for this change process.



Assumptions

- Together we build a clear and shared vision of what effective remedy looks like and feels like.
- Children and young people and the adults around them know what children's rights are and can challenge rights breaches.
- All children, young people, parents, carers and those working everyday with children and young people know how to access justice.
- Children and young people have stable and trusting relationships with adults, providing support for children and young people to understand and access their rights.
- Roles and accountabilities are clear.
- Duty bearers are positive and responsive in receiving feedback and complaints from children, young people, parents and carers.
- Information, advocacy, complaints, redress and remedy are adequately resourced.

- Care and attention are given to working with children and young people in a rights-based way, when children and young people may disagree with decisions made about their lives, or do not perceive these as being aligned with their rights.



Risks

- What children and young people learn about their rights does not match their daily experiences and how they are treated, for all children and young people but particularly those whose rights are most at risk.
- Roles and accountabilities are unclear and the system is too complex to navigate.
- The views of children, young people, parents and carers fail to inform improvements and they are dismissed as being adversarial.
- Children, young people, parents and carers have poor experiences and these may confirm any pre-existing low expectations.
- Some children and young people, particularly those whose rights are most at risk, are excluded by the processes.
- Access to justice is too complex, too slow and too unfamiliar.
- The system is too big, complex or entrenched to change and a focus on individual cases fails to lead to system change.
- The system of information, advocacy, complaints, redress and remedy is inadequately or unevenly resourced.



Fig. 6 Outcome map 4: Keeping children's rights real by ensuring a system of information, advocacy, complaints, redress and effective remedy

Taking the Theory of Change forward

UNCRC implementation is long-term, complex, whole system change leveraging a number of change processes. The Theory of Change provides an evidence-informed framework that sits at a high level, drawing together the best of our existing knowledge and understanding of what this change will involve. Going forward, **this Theory of Change should frame the next stages of implementation work**. For most, the next steps towards implementing the UNCRC will be **creating an action plan which is tailored to your work and circumstances**.

The Improvement Service has been funded by the Scottish Government to establish a [project to support local authorities to prepare for the incorporation of the UNCRC](#), understand the duties that the legislation lays on them and work with them to ensure that they are best placed to meet these. This will include facilitating a peer support network for local authorities across Scotland, producing learning resources and sharing existing best practice examples in a [KHub portal open to all](#). Further resources and updates will be published on the Improvement Service's [project page](#).

Guiding principles

A first step will be taking stock of your current processes, practices, leadership and staff, before working alongside the Theory of Change to determine what your goals are and what steps you might plan to take to get there.

Because the process of consistently delivering a children's rights-based approach will be all-encompassing, the development of the action plan should be cross-level and cross-teams, and involve people using your services, when relevant. **Children and young people's meaningful participation in the process of developing an action plan** is particularly crucial.

Initial stock-taking

Below are questions which you may find useful to frame your initial stock-taking.

- **Create readiness within national and local governing structures but also across wider delivery services for a rights-based approach.** What do you already do well in delivering a children's rights-based approach? Can you identify what makes it rights-respecting?
- **Build a common understanding of rights-based practice.** How might you describe this children's rights-based practice so it can be replicated by others? Where are the positive norms and practices and how can you reinforce and build on these? Which aspects of your approach require development to uphold children's rights?
- **Understand the key functions and co-ordinating arrangements that will underpin the change.** What are your next steps in implementing and embedding a children's

rights-based approach? Who needs to be involved? Who is accountable for each step? What will it take for these efforts to be effective? How will you respond, learn and adapt in relation to feedback loops and emergent issues?

- **Clarify the process and infrastructure for achieving transformational change.** What actions and practices must each level of the system positively reinforce in order to achieve and sustain this change? What will people be saying and doing differently as a result? How will you support the meaningful participation of children, young people, parents and carers in your setting?

Applying the Theory of Change to your context

Our outcome maps provide the possibility of many different journeys through change. They can be used to outline and track change for an organisation, a sector, or for a particular group of stakeholders or actors.

We hope that anyone involved in this work, whatever their sector or field, can take the four outcome maps and plot tailored journeys relevant to the change process(es) that matters most to them, their setting and their work. This would involve going through the Theory of Change and highlighting only the specific stepping stones relevant to their context, ensuring that each 'step' (column) contains at least one stepping stone to ensure good logic across the tailored maps.

These tailored maps can then be used to ensure action planning is rooted in the evidence-based, collective Theory of Change for UNCRC implementation in Scotland. For example, this might be useful in pulling out:

1. **A thematic approach** – for example highlighting the meaningful participation of children, young people, parents and carers in policy adaptation (Policy).
2. **A sectoral approach** – for example working across all four outcome maps to highlight what aspects of the change processes are most important to public health.
3. **A single organisation approach** – for example a voluntary sector organisation might look at the specific aspects of policy influencing (Policy), practice influencing and contribution to systems leadership (Capacity), awareness-raising and community development (Culture) and information and advocacy/support work (Empowerment) that are relevant to them, to then draw on to develop an action plan.
4. **A locality approach** – for example a community planning partnership could read across all four outcome maps and focus on local policy adaptation and implementation, local capacity building, local awareness raising and intergenerational work.

Below are questions that you may find useful when tailoring the Theory of Change to the context of your work.

- Which of the assumptions and risks are most relevant to the context of your work? What do these mean for expectations and timeframes, and are there risks you can monitor or mitigate? What mitigating actions can you take?

- Working from these high-level assumptions and risks, what are the most relevant issues for your context? For example, are there particular rights issues, particular groups of children and young people whose rights are at risk, or particular settings you want to focus on?
- What is the balance of your intended work across the four change processes?
- Within each change process, which stepping stones highlight the journey or journeys that you expect to take through the outcomes?
- What actions will you take forward for each of these? Where are there gaps in your action plan? Can wider clearly-described good practices offer inspiration in how you might tackle these?
- What data, evidence and feedback do you have or can you collect so that you can begin to assess your progress and early impact? Can you identify groups of children and young people whose rights may be most at risk or rights issues that you need to prioritise?

Building blocks

In February/March 2022, the project team commissioned rapid reviews on each of the four change processes to inform the development of the Theory of Change and support the next stages of the implementation work.

The reviews gathered a wealth of evidence underpinning the Theory of Change. Papers summarising the relevant evidence were developed in order to support policy-makers and practitioners in making evidence-based decisions towards their next steps, providing both broad principles and tested examples of implementing a children's rights-based approach in practice. These papers have been published separately and can be accessed [here](#).

Whilst the papers do not aim to provide a blueprint for how to implement the UNCRC in Scotland, they do provide a guide to the essential '**building blocks**' which need to underpin the change processes and can inform your next steps. These building blocks have been pulled out below.



Policy

- Ensuring that domestic legislation is fully compatible with the UNCRC is essential for successful implementation.
- An adequately resourced and rights-based national action plan underpinned by legislation can increase the visibility of children's rights in policy-making and lead to more coordinated implementation.
- Children's Rights Impact Assessments that are purposeful and effectively implemented can increase visibility of children's rights in policy discussion and awareness of children and young people as rights holders.

- Increased levels of implementation have been found in countries that have established a culture of respect for children's rights, with key drivers being a strong non-governmental sector, children's rights advocates and the [UNCRC periodic reporting process](#). It is important to foster public attitudes that are positive towards children's rights; without public acceptance, efforts towards implementation will be hampered.
- Data collection, analysis and use are essential to identifying inequalities in the realisation of rights and driving progressive realisation.
- Children's rights budgeting is a human rights priority. There is some evidence that involving children and young people in budgeting may lead to improved planning and implementation of policy and increased awareness of decision-makers of the impact of budget decisions on children and young people.
- A whole-of-government approach for a whole-of-nation's implementation of children's rights is based on 4 key functions:
 - Integrate the UNCRC into all aspects of government, through dialogue and engagement *within* government, and *between* government and civil society, including children and young people;
 - Generate evidence for learning that drives sustained change and is varied, including meaningful cost-benefit analyses investing in children and young people, and rights-oriented disaggregated data;
 - Resource budgets that prioritise the impact of those investments on children and young people, now and for the longer term; and secure human resourcing that matches skills to the range of roles needed, including change expertise;
 - Sustain the long-term nature of systemic change over an intergenerational horizon, plan and embed resilience to anticipate shocks, and support collaborative whole-of-nation leadership.
- Phases, priorities, emphases and actions should cycle and change as new learning and evidence emerge. It will be important to commit to a shared policy agenda, design high quality children's rights interventions and deliver on children's rights policies, as well as work to anticipate the challenges and develop early warning systems to spot emerging concerns.



Capacity

- A systems-thinking/complexity lens is the most appropriate one to apply to building capacity and capability to support UNCRC implementation. Emphasising cross-systems brokering, system leadership around values and culture, co-production and local ownership is essential for starting UNCRC implementation in a way most likely to ensure long-term success.
- A whole systems approach means intervening simultaneously at different levels and across sectors; multiple pathways to success have been shown to work well. Assessing

and building on existing rights-respecting practices at the outset is more likely to be successful than importing good practices from outside.

- New obligations for duty bearers create leverage within the system, while the next steps may involve capacity-building to create the right environments around individuals and reaching out to hearts and minds to nurture commitment.
- Cultivating environments supportive or permissive of the changes we want within public authorities will be important; the evidence is that systems, organisations and processes rather than individual deficits are the factors inhibiting the changes we want.
- As implementation cascades to agency-specific settings, interventions can be guided by learning, frameworks and tools. An implementation support team could help with this. An intentional and analytic approach, channelling learning into action, will bring best results.
- Implementation literature highlights the importance of active, continued and cross-disciplinary implementation support. It will be important to balance adherence to a central goal with adaptation that is sensitive to context.
- Evidence and systems-thinking literatures lead us to expect non-linearity of the change process, unpredictability, processes of emergence, including the potential for back-sliding. It will be important that changes in outcomes can be detected and the system continues to listen and adapt at all levels.



Culture

- Culture change is key to fostering acceptance of children's rights amongst the public, which in turn influences the political system.
- In order to shift social norms or expectations in favour of children's rights, interventions will need to take place at different levels, social, political, legal and economic, as those norms are embedded in systems and structures, and interventions are needed over an extended period of time.
- An important first step is to understand and analyse patterns of existing social norms around children's rights, in order to design appropriate interventions. Existing norms and behaviours that support children's rights should be promoted.
- A comprehensive strategy to raise awareness of children's rights throughout civil society needs to be developed, encouraging active respect for the provisions of the UNCRC and differentiated by role.
- To disrupt harmful or resistant social norms, it will be important to work with communities and find allies and early adopters.
- Evidence suggests that social norms are reinforced during early adolescence and that parents, carers and peers are important target groups for interventions seeking to influence what young people will internalise during this key stage.



Empowerment

- Different forms of accountability need to be considered to provide remedy and redress. These can cover:
 - judicial accountability through enforcement of rights by the legal system;
 - quasi-judicial accountability through independent international, regional and national monitoring and complaint bodies and human rights institutions;
 - political accountability through elections, parliamentary committees, and local government;
 - administrative accountability through internal mechanisms of control such as separation of political and executive decision-making, financial audits, and codes of conduct;
 - social accountability through citizen-led participatory engagement to ensure services are available, accessible, acceptable and of good quality.
- Awareness and training about the UNCRC need to be embedded through schools and the wider education system. Best practice dictates that teachers understand the implications of children's rights for their professional practice, have access to high quality educational resources and respect children's rights in their everyday practices.
- Children, young people and their trusted adults who are already engaged with existing process need to receive meaningful information about those processes so they can make informed choices going forward
- Results of completed complaints, redress and remedy processes that involve or affect children or young people need to identify what outcomes, if any, could be applied systemically.
- Data about experiences in existing processes from children, young people and their trusted adults needs to be collected to identify areas for improvement and to help design new or updated child-friendly processes and resources
- Mechanisms for ongoing feedback on processes and resources from children, young people and their trusted adults, as well as from system actors, need to be established. This feedback loop then needs to be integrated into processes and resources.

Fig. 7 Building blocks underpinning change processes

Defining success measures for the Theory of Change

Evidence has influenced the Theory of Change at three levels:

- First, in selecting the four change processes framing each outcome map, as key components of the required systems change;
- Second, in enhancing and reinforcing our understanding of the change processes at work within each of the outcome maps, including the assumptions and risks underpinning these; and

- Third, in the selection of indicators/success measures guiding the collection of evidence that will be used to monitor and assess progress over time. This monitoring will sit at different levels, becoming more focused as the Theory of Change is applied to particular settings for implementation.

The project has mainly focused on the first and second of these. While the wider question of monitoring UNCRC implementation has been discussed initially, further focused thinking is required.

Using the outcome maps as monitoring and feedback frameworks

Having a Theory of Change in place offers the potential to peg indicators or wider success measures to specific steps or stepping stones in the way that is most meaningful to the current stage of implementation. **Monitoring the process of activities, engagement and people's responses to this work, rather than outcomes, will be most useful in the short-term.**

We include below our early reflections on what type of evidence might be generated to support each outcome map during the initial stages of implementation.

1. Making children's rights real through policy adaptation and coordination, administrative integration and budgetary consideration

The most appropriate level of initial evidence for this outcome map will be monitoring of activity, engagement and reactions ('what we do', 'who with' and 'how they feel'). It will be important to see that policies have been adapted, and that layers and areas of government are coordinating this work effectively. It will also be important to see that people have been effectively engaged in that process and are beginning to react in the required ways. Over time these earlier outcomes could be traced through into the use of children's human rights language and policy/legislative alignment ('what they do differently'). Feedback loops will identify issues requiring systemic change that need to be addressed and monitored within this change process.

2. Making children's rights real by building cross-sector capacity and capability to integrate rights-based ways of working

It will be particularly useful to monitor skills and knowledge ('what they learn and gain') as learning outcomes begin to be captured from learning and capacity-building interventions. Again, activity, engagement and reactions, including the key aspect of shared ownership of the values of a rights-based approach, can be captured initially through narrative evidence. At a later stage, evidence could be gathered around the integration of a children's rights-based approach into tertiary education/professional training and into quality frameworks and processes, and to specify what has changed in professionals' practice, in particular the extent to which they adopt and put into practice the values of a rights-based approach.

3. Making children's rights real by influencing attitudes, norms, values and everyday actions

While this outcome map is vital to success in relation to the other change processes, it does not lend itself to direct measurement as normative change may be more organic and less predictable than the others. It would be possible to capture activities and engagement that develop from the actions of duty bearers. Evaluation of rights education, demonstration work and information/awareness campaigns would be relevant. It may be possible to track awareness and social attitudes with regard to key principles and rights standards, children's human rights in general and around children and young people and their capacities and contributions. In particular, monitoring assumptions and risks in relation to, for example, the prevalence and movement of positive and harmful social norms and media representation of children and young people would be highly relevant. Monitoring discourses and framing within duty bearing bodies, the adoption of children's rights language by leadership, measures of social norms change and mainstreaming of children's rights into day-to-day activities is also possible. Public policy forms part of how we express our views as a society about the place of children and young people, and reflecting on relevant policy changes may also have a bearing.

4. Keeping children's rights real by ensuring a system of information, advocacy, complaints, redress and effective remedy

There are several opportunities to monitor activities, engagement and reactions. The involvement of children, young people, parents and carers in improving and re-designing the system could be monitored. The direct feedback of people who are progressing through the system at different levels, and also the advocates and advocacy organisations who support them, could provide evidence across 'how they feel' to 'what they do differently'. Monitoring feedback, complains and case decisions, and then how duty bearing bodies respond individually and systemically, will be important in demonstrating adaptation. The work of scrutiny bodies, human rights bodies and civil society organisations will be significant here in gauging whether over time children and young people are receiving adequate, effective and timely remedies where their rights are breached, or find themselves able to have their rights respected with greater ease.

For example, one of the 'how they feel' stepping stones in this outcome map is:

Children, young people, parents and carers feel informed about children's rights and how they can access the system

If this were to be monitored by the Scottish Government for instance, there might be several ways that they could get feedback on this:

- Include questions in national surveys to monitor the general population on this (e.g. National parent surveys).
- Ensure key stakeholders in different parts of the system ask for feedback on this (e.g. schools, police).

- Ask people who access the system of rights redress how they found out about their rights.

Developing children's human rights indicators

To support accountability, monitoring and progressive realisation of children's human rights in Scotland, **we will need a suitable suite of meaningful children's human rights indicators.** These will need to be reflected in duty bearers' action plans.

The UNCRC requires attention to processes, structures and outcomes for children and young people, to respect, protect and fulfil their rights: indicators will need to match. Along with the General Principles of non-discrimination (Article 2), best interests (Article 3), survival and development (Article 6) and children's views (Article 12), indicators will need to be worked through for the other substantive rights in the UNCRC.

Rights must be considered at an individual level – every child and young person is able to experience their human rights – and at the collective level – such as children and young people's views being considered in policy development (outcome map 1) and system design (outcome map 4). Indicators need to consider how duty bearers are upholding their obligations and how children and young people, as rights holders, are realising and experiencing their rights.

We will require methods, data and analysis to support disaggregation, particularly for children whose rights are most at risk. These present challenges, such as difficulties in accessing certain groups of children, respecting data protection requirements, and some groups being small in number within larger surveys. Indicators can and need to be quantitative (numbers) and qualitative (e.g. words or statements). Qualitative data can arise from a range of sources: for example, individual cases, participatory activities, or the Concluding Observations of the UN Committee on the Rights of the Child. All these elements require concerted development.

Certain international work is available for human rights indicators generally¹⁹ and children's human rights in particular,²⁰ but they will need to be considered for their applicability and usefulness for Scotland and for our common vision.

Nationally, the Scottish Human Rights Commission has undertaken work on human rights indicators which can be drawn upon. This includes their use of the FAIR framework: F – drawing out a full understanding of the Facts; A – analyse what human rights are at stake; I – identify what needs to be done and who has responsibility for doing it; and R – make recommendations for change and ensure change is happening. Further, their work underlines that indicators do not

19 For example, see [resources from the Office of the High Commission for Human Rights](#).

20 For example, see [KidsRights Index](#), and [GlobalChild](#)

(<https://www.unb.ca/globalchild/projects/globalchild/index.html> and <https://link.springer.com/book/10.1007/978-3-030-84647-3>).

stand alone: they need to be part of a participative process, to then feedback into change and further development.²¹

The collaborative Theory of Change process has underlined the ambition of UNCRC implementation, for transformative change to realise children's human rights. By taking a strategic and co-ordinated approach, we can work towards meeting that ambition.

21 Scottish Human Rights Commission (2012), *Getting it Right: an Overview of Human Rights in Scotland*, <https://www.scottishhumanrights.com/media/1689/getting-it-right-an-overview-of-human-rights-in-scotland.pdf>.

Glossary

Accountability: For the purposes of this report, accountability refers to “the ability to make certain that those charged with protecting and fulfilling child rights actually do what they are supposed to do, and if they do not or cannot, that children and their representatives have some recourse.”²²

Actors: These are the individuals and/or organisations who are participants in an action or process.

Advocates and advocacy: For the purposes of this report, at an individual level, an advocate supports “a child to express their own needs and views and to make informed decisions on matters which influence their lives”.²³ This report also refers to advocacy and advocates at a collective level, where people ask for particular changes through lobbying, campaigning and policy work.

Child-friendly: A child-friendly environment is clear and appropriate, inclusive, easy to access and safe for all children and young people.

Children and young people: In line with Article 1 of the UNCRC, all people under the age of 18 are children. However, we acknowledge that many older children prefer the term ‘young people’ and so use the phrase children and young people throughout the report.

Children's rights budgeting: Children's rights budgeting relates to the duty under the UNCRC to “take measures within budget processes to generate revenue and manage expenditures in a way that is sufficient to realize the rights of the child”.²⁴

Children's rights-based approach: A children's rights-based approach means putting children's rights at the heart of what you do. It is an approach grounded in the legal rights set out in the UNCRC, bringing “together the general principles of the UNCRC and the wider international human rights framework to offer a practical tool for working with and for children and young people”.²⁵

22 UNICEF (2015), *Accountability for children's rights: with special attention to social accountability and its potential to achieve results and equity for children*,

<https://sites.unicef.org/policyanalysis/rights/files/Accountability-for-Childrens-Rights-UNICEF.pdf>.

23 Scottish Government (2014), *Children's advocacy guidance*, <https://www.gov.scot/publications/childrens-advocacy-guidance/>

24 UN Committee on the Rights of the Child (2016), ‘General Comment No. 19 on public budgeting for the realization of children's rights (art. 4) <https://digitallibrary.un.org/record/838730?ln=en>. More information on https://www.togetherscotland.org.uk/media/1759/wbp_2020_dissertation.pdf.

25 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/>. For further information, see the [Scottish Human Rights Commission's resource on the PANEL principles](#) and the [Children's Parliament's resource on a Rights Based Approach](#).

Duty bearers: In international human rights law, duty bearers refer to all who hold obligations under the UNCRC, with the state being the primary duty bearer. Duty bearers must respect, protect and fulfil children's human rights. In the context of UNCRC incorporation in Scotland, this will be the public authorities required to 'act compatibly' with the UNCRC requirements under the UNCRC Incorporation Bill.

GIRFEC: GIRFEC ([*Getting it Right for Every Child*](#)) was introduced in 2006 and aims to coordinate policies and practices to better outcomes for children and young people.

Human rights bodies: We used the term 'human rights bodies' as an umbrella term to refer to relevant National Human Rights Institutions (the Scottish Human Rights Commission and the Equality and Human Rights Commission), the Children and Young People's Commissioner Scotland (which is an Independent Children's Rights Institution) and all other relevant Ombudspersons in Scotland. As much as possible however we are specific about the body we are referring to.

Meaningful participation: The UN Committee on the Rights of the Child provided a definition of participation on its General Comment on Article 12: "ongoing processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes." These processes must be: transparent and informative; voluntary; respectful; relevant; child-friendly; inclusive; supported by training; safe and sensitive to risk; and accountable (which involves feedback to children and evaluation).²⁶

Public authority: The term 'public authority' will be defined by the UNCRC Incorporation Bill. It is a wide group – from Scottish Ministers and Scottish Government officials, to the full range of public services from local government to health to justice. It is also likely to include private and voluntary sector bodies delivering "functions of a public nature", including functions carried out "under a contract or other arrangement with a public authority". At time of writing, the scope of the definition is likely to be limited to devolved bodies delivering devolved functions.

Rights: Unless specified otherwise, this refers to human rights, including those enshrined in the UNCRC.

Rights holders: Individuals (or social groups) are rights holders, having particular entitlements in relation to specific duty bearers. The UNCRC recognises children under the age of 18 as rights holders. It also underlines that the rights and responsibilities of parents, carers and the extended community must be respected and supported so that they can in turn support children's rights.

26 UN Committee on the Rights of the Child (2009), 'General Comment No. 12: The Right of the Child to Be Heard',

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f12&Lang=en. For more information on children and young people's participation, see: Children and Young People's Commissioner Scotland, *7 Golden Rules for participation*, <https://www.cypcs.org.uk/get-help/teachers/golden-rules/>.

Scrutiny bodies: Organisations responsible for ensuring duty bearers are held accountable for compliance with UNCRC requirements. This will include for example the Scottish Parliament, inspectorates and regulators, the judicial system and human rights bodies.

The Promise Scotland: The [Promise Scotland](#) is responsible for driving the work of change demanded by the findings of the Independent Care Review.

UNCRC Incorporation Bill: shorthand for the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. For further information on the Bill, see the Scottish Government website on children's rights: <https://www.gov.scot/policies/human-rights/childrens-rights/>.

UNCRC: United Nations Convention on the Rights of the Child, an [international human rights treaty](#) that sets out the civil, political, economic, social and cultural rights that all children are entitled to. We use UNCRC in this report to also include the rights under Optional Protocol 1 (on the sale of children, child prostitution and child pornography) and Optional Protocol 2 (on the involvement of children in armed conflict), which the UK have also ratified.

Whole systems approach / systems change: A whole systems approach means working across levels, organisations and sectors to change the system. Working in silos might lead to change in individual organisations but will not to change in the places where those levels, organisations and sectors overlap. What a system is is context dependent but can refer for example to the health, education, or social care 'system', or more broadly to a collection of actors and mechanisms influencing a specific environment.²⁷

²⁷ Please refer to [Evidence Paper no. 2](#) for further information.

Annex 1: Methodology

The Theory of Change project ran for five months between November 2021 and March 2022. It was taken forward by a partnership of the Observatory of Children's Human Rights Scotland ("the Observatory"), Matter of Focus and Public Health Scotland.

At the outset of the work, the project team drew from change literature to propose the four interconnected change processes which would make up the Theory of Change. The team then worked with colleagues in the Scottish Government and the third sector to test the suggested processes. A session was further held with the [UNCRC Strategic Implementation Board](#) on 25th November 2021 to finalise these change processes, allowing for early input from a wide range of public services attending the meeting.

With the four broad change processes agreed, the project held a series of two workshops on 30th November and 13th December 2021 with a range of key stakeholders. Across the two workshops, 45 individuals attended.

| Category | Organisations |
|--|--|
| 5 representatives of human rights bodies, inspectorates and regulators | Care Inspectorate Children and Young People's Commissioner Scotland Scottish Public Services Ombudsman Scottish Social Services Council |
| 5 representatives of public services | Education Scotland Police Scotland Public Health Scotland Scottish Children's Reporter Administration (SCRA) Social Work Scotland |
| 29 representatives from the third sector and higher education | Action for Children Barnardo's Scotland Carers Trust Scotland CELCIS (Centre for Excellence for Children's Care and Protection) Children's and Young People's Centre for Justice (CYCJ) Children 1st Children in Scotland Children's Parliament Clan Childlaw Forces Children Scotland Home-Start UK Human Rights Consortium Scotland JustRight Scotland |

| | |
|---|--|
| | Observatory of Children's Human Rights Scotland Parenting across Scotland Partners In Advocacy Playback Scottish Women's Aid Scottish Youth Parliament Together (Scotland Alliance for Children's Rights) University of Edinburgh University of Stirling University of Strathclyde Who Cares? Scotland |
| 6 representatives from teams across the Scottish Government | Scottish Government |

Fig. 8 Attendance at the core workshops

An initial Theory of Change was developed from the core workshops and pulled into an interim paper. This was circulated widely at the end of January 2022 to over 100 key contacts in public services and the third sector and through strategic groups and membership organisations. The interim paper included a call for feedback that ran for the following five weeks, until mid-February 2022. Twenty-one responses were received from a range of stakeholders. Alongside this written engagement process, Matter of Focus and the Observatory continued live engagement with key stakeholders, holding a further three workshops and seven sessions respectively.

| Organisation | Type |
|--|--|
| Children's Rights Unit (Scottish Government) | Matter of Focus workshop - 11 January 2022 |
| UNCRC Strategic Implementation Board & Children and Families Collective Leadership Group | Matter of Focus joint workshop - 24 January 2022 |
| Rights Right Now! ²⁸ | Matter of Focus workshop - 2 February 2022 |
| Social Work Scotland | Observatory session - 26 January 2022 |
| UNCRC Embedding in Public Services Group | Observatory session - 27 January 2022 |
| Education Scotland | Observatory session - 16 February 2022 |
| Law Society (Child and Family Law Committee) | Observatory session - 23 February 2022 |
| Association of Directors of Education in Scotland (ADES) | Observatory session - 2 March 2022 |

²⁸ Rights Right Now is a pilot project established to bring together children and young people to provide their views to the UNCRC Strategic Implementation Board. For more information, visit Together's website <https://www.togetherscotland.org.uk/about-us/our-partnerships/rights-right-now/>.

| | |
|--|-------------------------------------|
| Children & Young People's Public Health Group | Observatory session - 4 March 2022 |
| Disabled Children and Young People's Advisory Group | Observatory session - 10 March 2022 |
| Care and Learning Alliance (CALA) | Written response |
| Care Inspectorate | Written response |
| CELCIS | Written response |
| Children in Scotland | Written response |
| East Dunbartonshire Council | Written response |
| HM Inspectorate of Prisons | Written response |
| Inspiring Scotland | Written response |
| Moray Council | Written response |
| North Ayrshire Council | Written response |
| Police Scotland | Written response |
| Scottish Children's Reporter Administration (Children and young people session report) | Written response |
| Scottish Courts and Tribunal Service | Written response |
| Scottish Government – Children and Families Analysis team | Written response |
| Scottish Government – Children's Rights Unit | Written response |
| Scottish Government – Empowered Children and Young People's Team | Written response |
| Scottish Government – Promoting Children and Families Wellbeing Unit | Written response |
| Scottish Independent Advocacy Alliance | Written response |
| Scottish Public Services Ombudsman | Written response |
| South Ayrshire Council | Written response |
| Stirling Council | Written response |
| YouthLink Scotland | Written response |

Fig. 9 Strategic groups and organisations which engaged with the Theory of Change project in January/February 2022

Children and young people's expertise was sought through the Rights Right Now (RRN) Group, which brings together children and young people from six organisations to provide their views to the UNCRC Strategic Implementation Board. These children and young people have considerable knowledge and experience of the UNCRC through earlier work to influence the Bill, and connect back to a wider group of children and young people in their respective organisations. Five young people aged between 13 and 15 attended this session. The session report is available in [Annex 2](#). Based on the group work with RRN, engagement materials were shared with the wider supporting organisations of RRN which resulted in one further submission based on the views of children and young people.

Organisations which make up the membership of the Observatory²⁹ were kept in close contact with the project and informally fed into the developing Theory of Change throughout. Altogether, the Theory of Change was developed and refined through engagement with over 60 organisations in the five months the work was conducted.

Rapid evidence reviews were commissioned over February and March 2022 on each of the four change processes. The reviews sought both to inform the development of the Theory of Change and to support planning for next steps and wider UNCRC implementation. Reviewers provided the project team with draft evidence papers in March 2022, including an analysis of the strength of the Theory of Change against relevant evidence.

Reviewers were also asked to write [evidence papers](#) to provide a clear and accessible top line summary of the evidence relevant to their change process. These papers are aimed at supporting policy-makers and practitioners in making evidence-based decisions on what steps they will need to take in their own work to further UNCRC implementation.

29 The Observatory's membership includes: CELCIS, the Childhood and Youth Studies Research Group (Moray House School of Education and Sport, University of Edinburgh), Children and Young People's Commissioner Scotland, Children's Parliament, Global Justice Academy, Inspiring Children's Futures (University of Strathclyde), Scottish Youth Parliament, Together (Scottish Alliance for Children's Rights). More information at <https://www.ed.ac.uk/education/rke/our-research/children-young-people/childhood-and-youth-studies-research-group/research/observatory-of-childrens-human-rights-scotland>.

Annex 2: Rights Right Now session report

What happened at this meeting?

This was a special meeting of Rights Right Now to talk about the Theory of Change for Making Children's Right Real in Scotland. It was facilitated by Helen Berry from Matter of Focus with Jane, and five young people from five organisations came along with one supportive adult.

At the start of the meeting, we played a wheel game to begin to get to know each other.

Helen explained that we would do two main activities in the session.

- First, we would think about **what daily life would look and feel like in different situations if young people experienced their rights** as set out in the UNCRC
- Second, we would think about how to create a **rights respecting culture** – there would be a choice of questions for this part of the session

We reminded you what the Theory of Change is about. We hope it will be a guide to putting the UNCRC into practice, breaking it down step by step, so people can agree on what they must do. We hope it will help people to be ready for the changes they need to make so children's rights are realised, like giving adults information and training in children's rights or giving children information about the things that are happening to them in their lives.

The Theory of Change project is being led by the [Observatory of Children's Human Rights Scotland](#), in partnership with [Matter of Focus](#) and [Public Health Scotland](#) (PHS). It is funded by the Scottish Government.

We will be working on this until March and then we hand it to Scottish Government as well as telling other organisations about it.

Daily life experiencing your rights being respected

First Helen asked you,

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

Our Jamboard shows how many ideas you had about this. Some of them were about how you experience particular rights (such as Articles 28-29, the right to education that develops your skills, or Article 24, the right to good healthcare). Some were more general points about how you are treated and how people interact with you. Some of the issues you raised were about particular experiences like care experience or identifying as trans.



Some of the things that worried you were:

- Armed forces being involved in school activities as these might be warning younger children up to being recruited.
- Missing school for meetings like carer meetings or hearings. You said the service should “go around the yp [young people]”.
- Young people missing their education when in a ‘hub’ in school (it’s “not a real education”) or not getting a school place that meets their needs.
- Being treated in a harmful way, e.g. not having access to a safe space in school or being isolated in school.
- The way that young people especially young men are “followed around with suspicion” in shops and a “culture of targeting” young people by Police.
- Young people needing earlier support for their mental health and better support for young people who identify as trans. You said that doctors sometimes take young people a bit less seriously.
- You talked about some bad experiences of social work.

These are some of the main points we heard:

- You said it was important that people working with you know and respect all of your rights – not just the ones that their service is most focused on, e.g. teachers should be sensitive to your mental health needs.
- You said that you wanted to be treated in more of an equal and respectful way at home and at school – with people really trying to understand if they don’t at first. You want to be “more included” in decisions and listened to by workers.

- You said young people shouldn't be treated differently because of their life experiences, like "kids in care should be allowed out in the community the same as other kids" and "not being pulled out for meetings at school e.g. carer meetings". Carers might need "catch up time" if they miss lessons because of their caring responsibilities. Young people in care should have privacy, like "people stay out of your room".
- You told us that policies should be made with pupils' opinions and that all teachers should respect you in a nice way.

Moving to a rights respecting culture

We think that making children's rights real means changing the culture – this includes the language people use, people's attitudes, values and expectations. We gave you a choice of three questions to discuss about culture change, and you chose:

"How can children and young people learn about their rights?"

These are some of the main points we heard:

- School is the main place to learn about children's rights. Children's rights could be part of subjects like PSE/RMPS but you said it could also be integrated across the curriculum. We should "do it more heavily". Rights education should start in the early years.
- You could also learn through other settings such as youth services or social work.
- It's important to learn in different ways suiting different styles and preferences.
- "It's better to lead by example" – people need to model a children's rights-based approach not just talk about it.
- You felt the key change needed is to educate adults not just children and young people – "change will come when adults start acting on what they're saying". Adults sometimes respond badly to young people when they speak up, "they can react rudely or shout which is totally uncalled for".
- Professional training should include children's rights.

During our conversation you also said that young people need to be taken much more seriously in public life. Part of involving people more might mean having a more equal balance of young people and adults in conversations with decision-makers.

"in communities and shops, we are treated as adults (maybe even convicted criminals haha!!) but in politics or any place where children actually should have a say, we don't really (which is why I really appreciate meetings like this!!)"

You also said that children and young people should have access to rights workers or advocates who can protect their rights.

Very powerfully, you said that talking to adults about your rights can be "daunting, stressful and draining". This means that adults need to work harder to make this easier.

What happens next?

The activities and questions we used during the session have been made into a pack of materials for other organisations working with young people including organisations that Together works with. We hope this means more children and young people will have the chance to be part of this project.

The team who have been working on the Theory of Change project will be reading and thinking about your input very carefully.

We will send an update before your final meeting in March to tell you how we have used and included the points you made in the final Theory of Change.

Thank you

Thank you for such a thought-provoking session and for inviting us to speak with you. Please let me know through Jane if I have not heard something correctly. Best wishes for your future work. It was lovely to meet you!

Helen

This report was written by the
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