

RESPONDENT INFORMATION FORM

Progressing Children's Rights in Scotland: An Action Plan 2018-21

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

We will share your response internally with others who may be addressing the issues you discuss. This may be done but we require your permission to do so. Are you happy to be listed again in relation to this consultation exercise?

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

Yes

SUMMARY OF CONSULTATION QUESTIONS

1. *Do you agree that the Action Plan should include:*

- i. *Identified strategic actions intended to secure transformational change in how children and young people experience their rights.*

Yes but we need to know what transformational change is expected to look like to know if this has been achieved. It could instead be framed as rights outcomes (where the right is the desired transformational change) with associated actions which lead to the outcomes.

- ii. *A summary of specific initiatives being taken forward across all Scottish Government portfolios that captures what we will do in the next 3 years to secure better or further effect of the UNCRC principles. Yes.*

This will assist transparency and it should demonstrate how the initiatives will achieve the rights outcome.

- iii. *A number of key policy specific actions identified through the consultation process that are not currently being taken forward through other Scottish Government initiatives.*

Yes as long as these policy actions are rights motivated and the consultation process is representative.

We also refer to GIRFEC the national practice model as a means of effecting cyp rights. However until this is embedded universally in practice in all areas all cyp's are unlikely to enjoy the same rights.

2. *Do you agree that the 4 proposed strategic actions are appropriate and will help to take forward the principles of the UNCRC?*

- i. *Development of a dynamic Participation Framework for Children and Young People. Yes/No*

We hope so but a lot depends on the framework and how it is implemented. An effective and sustained framework is more important than a dynamic one. We agree that having the correct framework could build the confidence and ability of cyp who participate to have their voice heard and help take forward the principles of the UNCRC. It will however be essential to ensure that participation is open to all children and young people. We are concerned that cyp with the fewest rights (right to a house, family life, safety, good health etc) may be least likely to participate.

In that regard we welcome the acknowledgement in 4.4 that more vulnerable groups and younger children should be included as a matter of course and so having a means of achieving this aim is critical.

We note the intention to use digital methods and platforms to support wider engagement with cyp. However such resources need to be place for all so as not to further exclude. Will these be available in schools and libraries to ensure inclusion of cyp with no wifi at home? How will children with additional support needs eg those with specific communication difficulties be supported to use such resources?

We need to ensure that it is not only the confident, able, more affluent children that participate. How can the education system provide opportunities for cyp to express their views and help all cyp to communicate about things that are important to them, taking into account that public speaking is something that many people are not comfortable with.

National standards already exist in relation to good practice in engagement and participation and these could be used. We need to avoid duplicating existing good work.

We hope that setting up the participation framework does not have the unintended result of slowing down progress on rights. There is already a lot of research into what is impeding rights (poverty, systems, attitudes; knowledge). Scottish Government and public bodies must continue to work on this while the engagement process is taking place.

Engagement with children needs to be embedded in the way services talk and listen to cyp to help them with decisions, etc. For example training for GPs and health professionals should encourage and support practitioners to speak to children directly about their health.

ii. *Ambitious delivery, through co-production, of the 3 year children's rights awareness programme.*

We agree with the statement that that it is fundamental to embedding children's rights fully that there is a Scotland wide knowledge of children's rights and how to act on them. We welcome the 3 year awareness raising programme. It will be important that the programme of activity seeks to embed and mainstream children's rights and that it does not further exclude children who may already be at risk of exclusion eg disabled children; those from minority ethnic groups.

In relation to 4.11 we would point out that it is not only key services for cyp that should be targeted. All services that are in contact with cyp should be targeted. For example a child carer may need to contact adult services. A child could be asked to interpret for an adult, may have to call emergency services or ask to register with a GP. None of these services are discrete children's services but are services cyp may use and so those working in

adult focused services will need to be made aware of children's rights and the need to embed these in their services.

Rights training should be embedded within education (primary, secondary, further and higher); the NHS and Social Work.

We suggest that the EACH Charter with its 10 healthcare rights of children and young people in hospital and in the community be promoted as a way of raising awareness of the health rights of cyp.

<https://www.childrenshealthscotland.org/childrens-healthcare-rights/the-each-charter/>

iii. Progressing the comprehensive audit on the most effective and practical way to further embed the principles of the UNCRC into policy, practice and legislation, including the option of full incorporation into domestic law. Yes/

Children's Health Scotland welcomes the First Minister's announcement in its Programme for Government 2018-19 of the commitment to incorporate the principles of the UN Convention on the Rights of the Child into domestic law. We believe this will increase the likelihood of positive outcomes.

iv. Evaluation of the Child Rights and Wellbeing Impact Assessment (CRWIA). Yes

We welcome the fact that the CRWIA approach has been published for use by public bodies and others (as well as for Scottish Government departments). We feel it would be very helpful if all local authorities use the CRWIA approach as part of their Equality and Diversity impact analysis and that its use is not limited to services directed at or for children and young people. We welcome the proposal to evaluate the current CRWIA in 2020 and suggest that the Scottish Government could develop an action plan in the meantime to encourage public authorities to use the CRWIA with immediate effect.

We would be interested to know how the Scottish Government plans to evaluate the approach. Will it be to find out how it was used, how it has attained children's rights or both? We hope that the results of the evaluation will be published as it will be important to be transparent.

3. *Are there ways in which the proposed strategic actions listed above could be further strengthened? - please specify.*

As previously noted while a high level of participation from cyp is to be welcomed, measures must be taken to ensure that all cyp regardless of background and circumstances must be empowered to input their views.

We note the inclusion in Annex B of Scottish Government engagement activity. There may be other opportunities to consult cyp through organisations or groups eg

RCPCH's Infant, Children, Young People and Families engagement Collaborative and through Enquire' REACH website (on matters around the education of cyp). We refer you to a Report, 'Involving Young People in Planning and Delivery of health and social care: Scoping a Pan- Scotland collaborative approach: 2017 produced on behalf of the Scottish Health Council in Spring 2017 by SMCI Associates.

The strategic actions could be further strengthened as follows:

- Stating specifically how the intention will achieve the desired outcomes
- Setting out how the Children's rights audit will be managed
- Including the CRWIA as part of the Equality and Diversity impact analysis carried out by public bodies.
- Guidance in the use of the CRWIA could be included/signposted in the plan.

4. *Are there additional or alternative strategic actions that the Scottish Ministers should consider? - please specify.*

The mechanism whereby children can be supported and informed to claim their rights or complain about a rights breach to Scottish Parliament or public body should be set out. Will this be done primarily via the Office of the Children and Young People's Commissioner or will other routes; via organisations such as CLAN, Scottish Child Law Centre. What about other mechanisms? MSP surgeries? CYP need to know about their rights but how to seek this so a pathway needs to be in place.

5. *Are there any specific actions - not currently being progressed within a wider Scottish Government action plan, framework or other initiative, - that should be considered for inclusion within the Action Plan?*

Children's Health Scotland feels the Action Plan has a strong focus on engaging with cyp and there should be equal focus on how cyp can learn about their rights and how these rights can be embedded in services. Schools and organisations such as Guides, Scouts, Duke of Edinburgh etc play an important role.

While cyp have rights as outlined in the UNCRC many do not automatically realise their rights, there are many breaches of children's rights. Children's Health Scotland hears all too often of children with health needs who cannot go to school because the appropriate support has not been put in place or who cannot be supported with their condition at school or about those who cannot attend school due to ill health and where appropriate education provision is unavailable. Such cases are breaches of a child's right to Education (UNCRC Art 28) and to non discrimination (Art 2) and of the Equality Act 2010 which requires suitable adjustments to be made.

We therefore suggest that the following vulnerable groups be targeted for awareness raising purposes and for consultation and engagement: cyp with health conditions; disabled cyp; with communication difficulties; with additional support needs.

We suggest that health rights information be included in the Baby Boxes to support families.

It would be useful to signpost in the Action Plan to resources that support cyp rights. We draw attention to our recently developed e-learning resource 'Children and Young People's Healthcare Rights'. This is for practitioners in health and social care who work with cp and aims to help them give further effect to the UNCRC articles in their daily practice. To access the course www.enetlearn.com/childhealthscot

We also refer you to the NES 'Getting the Voice of the Child' e-learning resource which has been developed which focuses on the knowledge and skills required to elicit the voice of the child.

Children's Health Scotland

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