

Proposal for the Children's Rights Scheme

Laid before the Scottish Parliament by The Minister for Children, Young People and The Promise under section 15 of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024.

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Foreword by the Minister for Children, Young People and The Promise

As Minister for Children, Young People and The Promise, it fills me with great pride to share the first Children's Rights Scheme under the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the UNCRC Act).

I am determined to help make Scotland the best place in the world for children to grow up. The commencement of the UNCRC Act in July 2024 marked a historic milestone: Scotland became the first devolved nation to incorporate the UN Convention on the Rights of the Child into domestic law, within the limits of devolved competence. This is a bold and transformative step toward realising our ambition.

The UNCRC Act means that public authorities in Scotland now have a legal duty not to act, or fail to act in a way that is incompatible with the UNCRC requirements in the Act when carrying out a relevant function. This 'compatibility duty' is a key provision, along with other important provisions in the Act that will help strengthen access to children's rights. Under the Act, Scottish Ministers are required to publish a Children's Rights Scheme. This Scheme sets out the arrangements we have made - and propose to make - to ensure we comply with the compatibility duty, and to secure better or further effect of children's rights. It is a key part of embedding a proactive culture of everyday accountability for children's rights across Scotland's public sector.

Our arrangements in this scheme are made with all children and young people in mind so that their rights are at the heart of everything we do. The Scheme is grounded in the principles of children's human rights approach, as discussed in our non-statutory guidance for public authorities:

- **Embedding:** putting children's human rights at the core of planning and the delivery of services that affect children;
- **Empowerment:** giving children the knowledge and confidence to use their rights and hold organisations and individuals that affect their lives to account;
- **Participation:** listening to children and taking their views seriously;

- **Accountability:** taking steps to monitor children's rights standards and provide remedies where there is failure to meet these standards; and
- **Equality and non-discrimination:** ensuring that every child has an equal opportunity to make the most of their lives and talents.

The Scheme is not a 'one-off' document. The UNCRC Act requires us to review the Scheme and report on progress on a regular basis and so we will continually consider what more we can do to embed these principles in Scotland. As I have heard many times, the incorporation of the UNCRC is just the start and there is still a journey ahead.

However, I have a great deal of pride in the progress that we have made so far and I am confident that the Children's Rights Scheme will help us to maintain our significant momentum in embedding children's rights in Scotland.

I would like to thank everyone who contributed to the development of this Scheme. In particular, I am grateful to the children and young people who provided their views, and to key stakeholders including the Children and Young People's Commissioner Scotland, the Scottish Human Rights Commission, Together (Scottish Alliance for Children's Rights), and UNICEF (UK), and other members of the UNCRC Strategic Implementation Board.

Together, we are building a Scotland where children's rights are not just recognised - but realised.

LIST OF ARRANGEMENTS

The following is a summary of the arrangements included in this Children's Rights Scheme. The ordering here is intended to help highlight the relationship between arrangements of a similar theme and does not exactly match the order in which they appear in the main body of the Scheme. These arrangements should be read and understood in the context set out in the main body of Scheme and so a hyperlink to the relevant section is provided.

1. [The Scottish Government will ensure that the statutory reviews of the National Performance Framework are informed by the views of children and young people, including through direct engagement with them.](#)
2. [The Scottish Government will publish a Child Rights and Wellbeing Impact Assessment \(CRWIA\) on the annual Scottish Budget, as required by our statutory obligations.](#)
3. [The Scottish Government will continue to publish annual budget lines that will allow the identification of spend to support children and young people and their families.](#)
4. [The Scottish Government will continue to look for opportunities to demonstrate and share good practice in child rights budgeting.](#)
5. [The Scottish Government will undertake awareness raising and training on the Scottish Ministers' statutory requirement in relation to statements of compatibility for relevant legislation, as well as the requirements for CRWIAs.](#)
6. [The Scottish Government will conduct regular evaluations of its awareness raising and training on the Scottish Ministers' statutory requirement in relation to CRWIAs for relevant legislation and decisions of a strategic nature related to the rights and wellbeing of children.](#)
7. [The Scottish Government will maintain a quality assurance process to monitor the use of CRWIAs for relevant legislation and decisions of a strategic nature related to the rights and wellbeing of children within Scottish Government and Executive Agencies. To help us with this, we will invite feedback on individual CRWIAs, from those who access them from our website.](#)
8. [The Scottish Government will highlight the benefits of CRWIAs to both public authorities and private, voluntary and independent organisations, should they choose to use them, by continuing to provide guidance and templates.](#)
9. [The Scottish Government will encourage other public authorities to publish any CRWIAs that they prepare.](#)
10. [The Scottish Government will ensure that all staff within the Scottish Government and its Executive Agencies have access to guidance and training on children's rights and taking a children's human rights approach.](#)

11. The Scottish Government will implement, maintain and review the Children's Rights Skills and Knowledge Framework to support public authority workforces to understand children's rights and take a children's human rights approach within frontline practice, service development, and strategic planning and decision-making.
12. The Scottish Government will ensure that public sector leaders are supported to understand and promote the value of a children's human rights approach on outcomes for children and young people, and all of society.
13. The Scottish Government will co-ordinate a Child Rights Regulation and Improvement Action Group to support scrutiny bodies such as regulators, inspectorates and ombudsmen to embed children's rights considerations into their practice and the practice of the organisations they reach.
14. The Scottish Government will source and share good practice examples of taking a children's human rights approach, to support peer learning across public authorities.
15. The Scottish Government will develop a case study approach to explore the extent to which children's rights are being considered in policy-making and driving decisions in some key areas.
16. The Scottish Government will continue to provide optional wording for grant letters to all organisations (including those who are not subject to the duties in the UNCRC Act) on promoting, respecting, protecting and fulfilling the rights of children and young people, which grantees may choose to accept.
17. The Scottish Government will ensure that Supporting Scotland's Children: Core Knowledge and Values (formerly The Common Core) for all of those working with children and young people, continues to emphasise the importance of understanding children's rights and taking a children's human rights approach.
18. The Scottish Government will work with our grant-funded and other partners to develop and implement a comprehensive UNCRC Awareness Plan in collaboration with the UNCRC Awareness Raising Communications Network, who will also be engaged annually in reviewing progress. The Plan will include content directed specifically to children and young people (who will be involved in designing this) and well as parents and carers, and to the early years, with consideration given to how this can be integrated into educational settings.
19. The Scottish Government will identify particular groups of children and young people whose rights are most at risk and for whom we need to develop more targeted awareness-raising about their rights.
20. The Scottish Government will continue to ensure that children and young people have the opportunity, and are supported, to represent the views of

their peers in their annual meetings with the Scottish Government Cabinet and Executive Team and to hold the Scottish Government to account on a rolling list of six 'calls to action' chosen by the children and young people.

21. The Scottish Government will support its policy teams to adapt their processes and to commission meaningful and high-quality engagement with children and young people, through the Children and Young People's Participation Framework Agreement, where this is the most appropriate approach.
22. By sharing and amplifying participation guidance and best practice, the Scottish Government will support its policy teams to strengthen their knowledge and skills to meaningfully engage with all children and young people.
23. The Scottish Government will continue to produce child friendly and accessible versions of guidance and reports to ensure children and young people can receive information about their rights, and the duties on Scottish Ministers and public authorities in relation to their rights.
24. Through its funding to Young Scot, the Scottish Government will ensure that children and young people have access to inclusive digital communication from a trusted source about a range of policies and support that is available to them.
25. By including, in its guide to using the Children and Young People's Participation Framework Agreement, a section on accessible and inclusive communication, the Scottish Government will ensure that policy teams using the Framework promote and use inclusive communication.
26. The Scottish Government will consider the need for child friendly communication tools and approaches for all, including children and young people, as part of its programme of work on inclusive communication support to Public Sector Equality Duty duty bearers.
27. If there is existing legislation in an area that is devolved to the Scottish Parliament that may not be compliant with the UNCRC requirements, Ministers will seek to address this.
28. Nonetheless, the Scottish Government will ask relevant public authorities, at least annually, i) if they are aware of any legislation which, in their view, may be incompatible with the UNCRC requirements and how this is affecting their service delivery, and ii) where they may require to rely on the exemption set out in Part 2 of the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill.
29. The Scottish Government will provide an update on progress in addressing all of the Concluding Observations for the UN Committee on the Rights of the Child that are relevant to Scotland in 2026.

30. The Scottish Government will maintain a compiled list of children's rights issues that children and stakeholders have highlighted, in published sources, are a concern to them and invite CYPSC, SHRC, and Together to review this on a regular basis.
31. The Scottish Government will share a compiled list of children's rights issues that are concerning stakeholders at least every 6 months with relevant Scottish Government policy teams.
32. The Scottish Government will include, in our update on progress in addressing the Concluding Observations, an update on its consideration of other key children's rights issues that stakeholders have highlighted in other published sources, as appropriate.
33. The Scottish Government will invite the CYPSC, Together, the SHRC and UNICEF (UK) to keep the Scottish Government informed of the children's rights issues that are most concerning them and use this information, alongside other internal and external sources, to help determine Ministerial priorities for the year ahead.
34. The Scottish Government will use the annual update on the Children's Rights Scheme to set out the issues Scottish Ministers have prioritised for action and any progress that has been made, as well as use this to provide an update on progress with the six calls to action that children and young people raised in their meetings with the Scottish Cabinet.
35. The Scottish Government will scope the development of indicators that can be used to measure the extent to which children in Scotland are accessing rights in the UNCRC requirements which stakeholders consider are of particular risk of not being fulfilled for all children. We will start by focusing on articles 37 and 40 which relate to children's interaction with the justice system. Learning from that, we will then consider whether it is feasible to extend the development of indicators to other articles in the UNCRC requirements.
36. The Scottish Government will continue to use the Children, Young People and Families Outcomes Framework, amongst others, as a measure of whether the sum of our collective actions is improving the lives of children and young people in Scotland.
37. The Scottish Government will collect data to help understand children and young people's experiences of raising an individual rights issue to identify if and where children and young people encounter barriers and gaps in support, information, and services that they need to claim their rights. We will use this to consider where additional investment may be required, including, for example, the provision of advocacy support.
38. The Scottish Government will provide grant funding: to support the continued external and independent provision of legal information for those who provide advocacy and other support to help children and young people to access their rights; and to support the continued external and independent provision of

free child-centred legal representation to help empower children and young people to enforce their rights.

39. The Scottish Government will progress engagement to explore the removal of any legislative restrictions that currently limit the Scottish Parliament's ability to enhance human rights protections across all areas devolved to Scotland.
40. If, by November 2026, the Scottish Government considers that progress in finding a more straightforward and effective route to extending protection for children's rights has not yet been sufficient, we will also commission a review of provisions in UK Acts in devolved areas to identify any key provisions that interact with children's rights to such an extent that it may be worth re-enacting them in Acts of the Scottish Parliament to bring them into scope of the compatibility duty. The purpose of the review would be to make available a list of provisions to support consideration of re-enacting them when the content of relevant Bills in future legislative programmes is being decided.
41. The Scottish Government will launch a strategy for mainstreaming equality and human rights into everything it does, with a supporting action plan and toolkit, in 2025.

1. Introduction

1.1 The purpose of the Children's Rights Scheme

The Scottish Government's aspiration is for Scotland to be the best place for children to grow up. The National Outcomes in our National Performance Framework describe Scotland's vision for collective wellbeing, which include: We grow up loved, safe and respected, so that we realise our full potential; and We respect, protect and fulfil human rights and live free from discrimination. For these aspirations to be realised, a children's human rights approach must be embedded into the institutions which govern and deliver public services for the people of Scotland. Maximising the realisation of the rights in the [United Nations Convention on the Rights of the Child \(UNCRC\)](#) should also support the First Minister's priority to eradicate child poverty. Mainstreaming children's rights across Government should help to ensure sustainable and excellent public services, which is another of the Scottish Government's four priorities (alongside growing the economy and tackling the climate crisis).

This is why [Section 14](#) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the UNCRC Act) requires the Scottish Ministers to make a scheme, to be known as the Children's Rights Scheme (the Scheme), which sets out the arrangements that they have made, or propose to make, to ensure that they comply with the compatibility duty under section 6 of the Act and to secure better or further effect of the rights of children. This is that Scheme, the first to be laid before the Scottish Parliament.

The requirements for a Scheme supplant the Scottish Ministers' previous reporting duties under Part 1 of the Children and Young People (Scotland) Act 2014 (the 2014 Act). That Act required Ministers to keep under consideration whether there were any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements and, in complying with that duty, take such account as they considered appropriate of relevant views of children. Ministers were required to report to the Scottish Parliament every three years on relevant progress and their plans for the subsequent three-year period.

The UNCRC Act does not specify the period for which the arrangements in this new Scheme should apply. To maintain some consistency with the approach in the 2014 Act, this first Scheme has been prepared with the intention that its arrangements should remain in place for at least three years. To strengthen accountability, there is a statutory duty in section 16 of the UNCRC Act for Ministers to review the Scheme annually. There is also a corresponding duty to report on the findings of the regular review of the Scheme, which will include updates on progress. (For more on this, see 'Conclusion and Reporting and Reviewing Timescales'.)

The decision to draft the arrangements with a view to their being in place for at least three years was also taken to ensure that there is enough time between setting the first actions and considering the need for new actions, and to avoid overburdening

children and the children's rights sector with consultation demands. The UNCRC Act states (in section 16(5)) that if any new actions are to be included in the reports on the Scheme, Scottish Ministers must consult with: children, the Children and Young People's Commissioner Scotland (CYPCS); the Scottish Human Rights Commission (SHRC); and any other persons the Scottish Ministers consider appropriate.

The focus within this Scheme, not only on arrangements for complying with the section 6 duty, but also on securing better or further effect of the rights of children, is important in demonstrating Ministers' continued commitment to promoting and delivering the original aim and ambition which underpinned the Act. (As a result of the Supreme Court judgment on the original UNCRC Bill that was passed in March 2021, the section 6 duty does not apply to the delivery of functions conferred by Acts of the UK Parliament, even in devolved areas.) The expectation to give better or further effect to children's rights means that the Scheme's focus must include how Scottish Ministers are progressing children's rights beyond compliance with the section 6 duty. The focus is on embedding a children's rights culture across the delivery of all public services in Scotland, regardless of the legal source of those duties.

1.2 Consultation on the Scheme

Section 15 of the Act sets out the procedures that the Scottish Ministers must follow to prepare and make the Scheme. It states that before publishing the first Scheme, Scottish Ministers must consult with children, the Commissioner for Children and Young People in Scotland, the Scottish Human Rights Commission, and such other persons as the Scottish Ministers consider appropriate. On this occasion the "other persons" consulted have been members of the [UNCRC Strategic Implementation Board](#), through which we also received detailed comments from Together (Scottish Alliance for Children's Rights) and UNICEF (UK). Consultation began with the circulation of an early draft of the Scheme to the Strategic Implementation Board in November 2023 before formal targeted consultation with: the Commissioner for Children and Young People in Scotland; the Scottish Human Rights Commission; Together; and UNICEF (UK) between early July and late September 2024 and engagement with children via a survey and workshops that were undertaken by Young Scot between mid-February and the end of March 2025.

Annex A explains how that consultation and engagement informed revisions to this published version of the Scheme.

1.3 Scotland and the UNCRC

The UNCRC was adopted by the General Assembly of the United Nations in 1989 and is the most widely ratified treaty in the world. It sets out the civil, political, economic, social and cultural rights that all children, everywhere in the world, should expect to enjoy. These include (but are not limited to) rights relating to health and education, leisure and play, fair and equal treatment, protection from exploitation, and the right for children's views to be expressed regarding matters which affect them, and for those views to be taken seriously by adults. The mutually reinforcing

nature of human rights means that the rights expressed within the 42 Articles of the UNCRC all have equal status. Every child has these human rights regardless of their or their parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

The UNCRC was ratified by the UK Government in 1991, and Scotland has a proud tradition of promoting children's rights. Children's rights are embedded in how public services are delivered through specific pieces of legislation and policy such as the 2014 Act and '[Getting it Right for Every Child](#)' (the national approach in Scotland to improving outcomes and supporting the wellbeing of children by offering the right help at the right time from the right people). These, among others, have been essential milestones in Scotland's journey to incorporate the UNCRC into Scots Law.

The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill was passed unanimously by the Scottish Parliament on 16 March 2021. The Bill sought to incorporate as much of the UNCRC as possible into Scotland's domestic law, within the limits of devolved competence, including the first optional protocol on the involvement of children in armed conflict and the second optional protocol on the sale of children, child prostitution and child pornography.

In April 2021, a reference of certain provisions of the Bill was made by the Attorney General and the Advocate General for Scotland to the UK Supreme Court. The provisions referred to the Supreme Court were sections 6 (the duty on public authorities to act compatibly) and sections 19 to 21 (the interpretation duty and judicial powers of 'strike down' and 'incompatibility declarator', now sections 24 to 26 of the Act). In October 2021, the UK Supreme Court ruled that the provisions referred fell outwith the competence of the Scottish Parliament. The Bill was amended to address the Supreme Court judgment and was unanimously approved at Reconsideration Stage by the Scottish Parliament on 7 December 2023, receiving Royal Assent on 16 January 2024. The Act came into force on 16 July 2024.

The intent behind the UNCRC Act is to deliver a proactive culture of everyday accountability for children's rights across public services in Scotland. It requires all of Scotland's public authorities to take steps to ensure the protection of children's rights in their decision-making and service delivery and makes it unlawful for public authorities, including the Scottish Government, to act incompatibly with the UNCRC requirements as set out in the Act when delivering a 'relevant function' as defined in section 6(2) of the Act. Children and their representatives have a new ability to use the courts to enforce their rights. The Act also requires that, in so far as it is possible to do so, Acts of the Scottish Parliament are interpreted and given effect to in a way that is compatible with UNCRC requirements and includes powers to allow the courts to make strike down or incompatibility declarators in respect of incompatible Scottish legislation.

Duties on public authorities under the Act also apply when these functions are 'contracted out' to non-State actors such as private or third-sector bodies. This

means the duty may apply to organisations in the private, voluntary and independent sectors which are supporting children's rights. (See section 2.1 for more on this.)

At the time of publication of this Scheme, the Scottish Government was seeking to add an exemption to the section 6 compatibility duty via the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill. The exemption would make clear that the compatibility duty does not apply if a public authority is delivering its statutory functions in fulfilment of another duty derived from an Act of the Scottish Parliament that prevents them from acting compatibly. Without this exemption, public authorities could theoretically be left having to decide whether to act in a way that puts them in breach of the compatibility duty in the UNCRC Act or to act in a way that puts them in breach of the legislation that conferred their separate statutory duty. The exemption is intended to remove that uncertainty and improve legal coherence. Adding the exemption would also ensure that the delivery of essential services that support children can continue, while we consider whether there's a need for any reform. This amendment would be similar to an exemption in the Human Rights Act 1998, and an exemption already in the UNCRC Act for when public authorities are exercising functions from UK Acts.

Further information on the scope and extent of the duties under the Act for public authorities can be found in [Statutory Guidance on Part 2](#) (duties on public authorities). Specific guidance the reporting duty of listed authorities is also provided for [authorities listed in section 19 of the Act](#) in [Statutory Guidance on Part 3](#).

1.4 The UNCRC Implementation Programme

Although this is the first Children's Rights Scheme to be published by Scottish Ministers, this is not the first time that Ministers have set out how they will secure better or further effect of the rights of children.

The Scottish Government has previously published action plans for children's rights, under Part 1 of the 2014 Act. The most recent of these was the [2021-2024 action plan](#) published in November 2021. A [report on the 2021-2024 action plan](#) was published in November 2024. It highlighted the important progress that has been made to give better and further effect to the UNCRC. As well as the UNCRC Act and its statutory guidance, we also have a broad range of resources and support to help public authorities understand how to take a children's human rights approach; and to help children raise a rights concern and seek remedy.

This first Scheme sets out how we will build on this and commits to a long-term focus on children's human rights.

1.5 Terminology used to refer to under 18s

Article 1 of the UNCRC clearly states that, for the purposes of the UNCRC, “a child means every human being below the age of eighteen years”. We sometimes use the terms babies, infants, children and young people to refer to those to whom the UNCRC rights apply and the UN Committee in the Rights of the Child generally uses the term ‘children’, unless discussing issues that are specific to a particular age group. We considered taking the same approach as the UN Committee, in the terminology used in this Scheme to refer to under 18s. However, the 9-18 year olds who were consulted about the draft commitments in the Scheme expressed a preference for the terminology ‘children and young people’. Unless quoting other sources, from here on in, this is therefore the term used in the Scheme to refer to under 18s.

1.6 Child friendly version

An accessible version of this Scheme, which may be easier for children and young people to read, will be available when the Scheme is laid before the Scottish Parliament.

2. The approach to be taken by Scottish Ministers to comply with the section 6 duty and secure better or further effect of the rights of children

Section 14(3) of the UNCRC Act specifies that the Scheme must include arrangements by Scottish Ministers to:

- Ensure that children are able to participate in the making of decisions that affect them with access to such support and representation (for example from children's advocacy services) as they require to do so.
- Identify and address any situation where a child's rights are (or are at a significant risk of) not being fulfilled.
- Raise awareness of and promote the rights of children.
- Promote complaints handling procedures that children can understand and use.
- Ensure that children have effective access to justice.
- Protect the rights of children in relation to their interactions with persons, other than public authorities, who provide services which affect children.
- Consider the rights of children in the Scottish Government's budget process.
- Ensure that their actions contribute to any national outcome for children determined by them under Part 1 of the Community Empowerment (Scotland) Act 2015.
- Prepare and publish Child Rights and Wellbeing Impact Assessments.
- Use, and promote the use of, inclusive ways of communicating that ensure that children are able to receive information and express themselves in ways that best meet their needs (in relation to speech, language or otherwise).

In addition, section 17(3) of the UNCRC Act specifies that Scottish Ministers must prepare and publish a CRWIA in relation to decisions of a strategic nature relating to the rights and wellbeing of children as required by, and in accordance with, the arrangements set out in the Scheme.

The Scheme need not be and is not limited to setting out only these arrangements, however, and so is not structured around these headings. Instead, the main body of this Scheme, set out in this section, is structured to help make clear that the arrangements in the Scheme reflect the principles of a children's human rights Approach articulated in the Scottish Government's [non-statutory guidance](#) (published in relation to the UNCRC Act) for public authorities. Those principles are:

- Embedding: putting children's human rights at the core of planning and the delivery of services that affect children;
- Empowerment: giving children the knowledge and confidence to use their rights and hold organisations and individuals that affect their lives to account;

- Participation: listening to children and taking their views seriously;
- Accountability: taking steps to monitor children's rights standards and provide remedies where there is failure to meet these standards; and
- Equality and non-discrimination: ensuring that every child has an equal opportunity to make the most of their lives and talents.

Annex B lists the arrangements in a way that demonstrates that arrangements are in place for all of the requirements specified in the UNCRC Act at section 14(3) and 17(3). Annex C highlights how the arrangements help to address some of the [Concluding Observations](#) from the UK's scrutiny by the UN Committee on the Rights of the Child in 2023.

2.1 Embedding: putting children's human rights at the core of planning and the delivery of services that affect children

Ensuring that the National Performance Framework promotes the delivery of children's rights

The [National Performance Framework](#) (NPF) sets out the National Outcomes that describe the kind of Scotland that we are all working towards in the delivery of public services. The Community Empowerment (Scotland) Act 2015 places a duty on all public authorities in Scotland to have regard to the National Outcomes in carrying out their functions. The intention is to align the whole public sector around a common set of shared outcomes.

The NPF currently includes a 'Children and Young People' Outcome: that, 'we grow up loved, safe and respected so that we realise our full potential' and a Human Rights Outcome, that, 'we respect, protect and fulfil human rights and live free from discrimination'. However, none of the National Outcomes exist in isolation and all the National Outcomes are relevant to promoting the rights and wellbeing of children and young people. The Scottish Government has committed to a period of reform for the NPF to create a framework that better enables public sector reform and improves collaboration between national and local governments. During this reform, no immediate changes will be made to the NPF and the National Outcomes will continue to drive the work and priorities of the Scottish Government and its Executive Agencies.

- The Scottish Government will ensure that the statutory reviews of the National Performance Framework are informed by the views of children and young people, including through direct engagement with them.

Preparing and publishing child rights and wellbeing impact assessments (CRWIAs) and statements of compatibility

A CRWIA is a process, tool and publication through which the anticipated impact of any proposed decision on children's rights and wellbeing can be identified, analysed and recorded, and can incorporate the views of children and young people in the decision-making process. The process should therefore assist officials to consider children's rights in the development of policies and legislation.

The Scottish Ministers are required, under section 17 of the UNCRC Act, to prepare and publish a CRWIA for:

- all bills for Acts of the Scottish Parliament that the Scottish Ministers intend to introduce;
- all Scottish Statutory Instruments (SSIs) other than those which bring a provision of an Act of the Scottish Parliament or an Act of Parliament into force;
- decisions of a strategic nature by the Scottish Ministers relating to the rights and wellbeing of children;
- any decision by the Scottish Ministers to restrict, for a reason relating to coronavirus, the delivery of in person education provision to children at schools; and
- any strategy, policy or criteria of the Scottish Ministers that is to be applied by an education authority in making a decision temporarily to remove or restrict the delivery in person of education provision to children at schools under the education authority's management, regardless of the reason for the decision.

[A list of CRWIAs published by the Scottish Government and its Executive Agencies from December 2015 onwards](#) can be found on a dedicated page of the Scottish Government website.

In relation to decisions of a strategic nature by the Scottish Ministers relating to the rights and wellbeing of children, section 17(3) of the UNCRC Act provides that the Scottish Ministers must prepare and publish a CRWIA as required by, and in accordance with, the arrangements set out in the Scheme.

Scottish Ministers are required to prepare and publish a CRWIA for decisions of a strategic nature relating to children's rights and wellbeing, which are any key, high-level decisions that Scottish Ministers take which may impact on the Scottish Government's ability to respect, protect and fulfil children's rights. Strategic decisions would normally include high-level decisions about: setting policy priorities; allocating resources; and policy delivery and implementation but would not normally include decisions which are operational or routine (such as, for example, many taken in the planning, consenting and licensing sectors). Decisions of a strategic nature are normally decisions that are made by Ministers but sometimes strategic, high level decisions are made on behalf of Ministers. In general, decisions of a strategic nature will be those which affect how the Scottish Government fulfils its intended purpose, of implementing laws and policy on matters that are devolved to Scotland, often over a significant period of time. However, it is recognised that strategic decisions can

also be made over the short or mid-term, particularly when responding to urgent emerging circumstances. Strategic decisions are not always stand-alone and may need to be assessed as part of an overarching plan. The Scottish Ministers also intend to carry out a CRWIA for any changes to, or reviews of, these decisions.

A senior civil service group has been established within the Scottish Government to consider how requirements for completing all impact assessments (not just CRWIAs) are set, and to identify opportunities to strengthen or clarify process at a system level. This work might include the definition of “strategic decision”.

- The Scottish Government will conduct regular evaluations of its awareness raising and training on the Scottish Ministers’ statutory requirement in relation to CRWIAs for relevant legislation and decisions of a strategic nature related to the rights and wellbeing of children.
- The Scottish Government will maintain a quality assurance process to monitor the use of CRWIAs for relevant legislation and decisions of a strategic nature related to the rights and wellbeing of children within Scottish Government and Executive Agencies. To help us with this, we will invite feedback on individual CRWIAs from those who access them from our website.

While the duty to prepare and publish CRWIAs is one that applies only to the Scottish Ministers, other public authorities may choose to use CRWIAs at their own discretion. The Scottish Government has therefore produced a version of the [CRWIA templates and guidance](#) that can be used by public authorities and third sector organisations. We have also included some examples of externally published CRWIAs or Child Rights Impact Assessments (CRIAs), and examples of different templates in our external guidance. This aims to assist those wishing to develop their own CRWIA template and process in their organisation.

- The Scottish Government will encourage other public authorities to publish any CRWIAs that they prepare.

Considering the rights of children and young people in the Scottish Government’s budget process

The realisation of all human rights requires the mobilisation, allocation, and targeted expenditure of public funds. The Scottish Government’s budget therefore represents one of the most powerful tools from which to ensure children’s rights are adequately resourced and realised.

The Scottish Government has a well-established annual budget setting process, with formal scrutiny and legislation through the Scottish Parliament. Proposals about resource and capital expenditure, as well as income set out by the Scottish Government for Parliament’s consideration, are informed by both Scottish Ministers’ statutory responsibilities and key strategic priorities and outcomes, including those set out in the National Performance Framework. The Scottish Government budget

will continue to be focused on the strategic priorities set out in the National Outcomes and the First Minister's key priorities.

The CRWIA duties in section 17 of the UNCRC Act mean that:

- The Scottish Government will publish a Child Rights and Wellbeing Impact Assessment on the annual Scottish Budget, as required by our statutory obligations.

The Scottish Government is committed to delivering a budgetary process that is open, transparent and accountable. Transparency of the budget is key to effective participation. To assist transparency, each year, the Scottish Government publishes detailed information on its specific budget lines. Level 4 Data, which provides a breakdown of the budget lines within each directorate, is the lowest level for which the Scottish Government collects budget information. This is published on the Scottish Government website alongside the budget document. This includes budget lines specifically relevant to support for children and young people and their families, including, for example: the UNCRC implementation programme; expanding funded early learning and childcare; [The Promise](#) to care experienced children; the children's hearing system; equalities, inclusion and additional support for learning; and support for families with disabled children.

- The Scottish Government will continue to publish annual budget lines that will allow the identification of spend to support children and young people and their families.

The Scottish Government has made a range of [commitments](#) to further embed equality and human rights within all stages of the Scottish Budget process, to ensure spend advances equality and human rights for all of Scotland's people. In a [letter to the Equalities, Human Rights and Civil Justice Committee in December 2023](#), the Minister for Equalities, Migration and Refugees outlined the Scottish Government's response to the Equality and Human Rights Budget Advisory Group recommendations, which included, for example, a commitment to ensure appropriate resource is provided to support officials to undertake robust equality and human rights analysis of both policy and budgets. Through [Scotland's Open Government National Action Plan commitment on fiscal openness and transparency](#), we will consider ways to further enhance transparency of information published on the Scottish Government's budget.

In addition to the work to consider the rights of children and young people in the Scottish Government's budget process, the [non-statutory guidance](#) published in relation to the UNCRC Act for public authorities on taking a children's human rights approach included information to support other public authorities to consider taking a children's human rights approach to their budgeting.

- The Scottish Government will continue to look for opportunities to demonstrate and share good practice in child rights budgeting.

Ensuring that legislation is compliant with children's human rights

Alongside the duty to prepare and publish CRWIAs, the Act introduces a new duty (in section 23) to publish statements of compatibility for most legislation. A member of the Scottish Parliament introducing a Public Bill in the Parliament must, on or before introduction of the Bill, make a statement in writing about the extent to which, in the member's view, the provisions of the Bill would be compatible with the UNCRC requirements. For non-commencement SSIs, the Scottish Ministers must make a statement in writing about the extent to which, in their view, the provisions of a relevant instrument are or would be compatible with the UNCRC requirements as defined in the UNCRC Act. The CRWIA will inform the making of the statement and will be published alongside the narration of the statement and legislation.

- The Scottish Government will undertake awareness raising and training on the Scottish Ministers' statutory requirement in relation to statements of compatibility for relevant legislation, as well as the requirements for CRWIAs.

The [Scottish Ministerial Code](#) (2024) makes clear (at paragraph 1.7) that Scottish Ministers have a duty to comply with international law and treaty obligations. This duty applies regardless of the scope of the section 6 duty in the UNCRC Act. However, it will be necessary to stay abreast of adjudication under the UNCRC Act to ensure the ongoing compatibility of existing legislation with the UNCRC requirements.

- If there is existing legislation in an area that is devolved to the Scottish Parliament that may not be compliant with the UNCRC requirements, Ministers will seek to address this.
- Nonetheless, the Scottish Government will ask relevant public authorities, at least annually, i) if they are aware of any legislation which, in their view, may be incompatible with the UNCRC requirements and how this is affecting their service delivery, and ii) where they may require to rely on the exemption set out in Part 2 of the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill.

Embedding relevant skills and knowledge within public authorities

We will continue to deliver a UNCRC National Improvement Programme to support public authorities to take a children's human rights approach to delivering and improving their services. To do this:

- The Scottish Government will ensure that all staff within the Scottish Government and its Executive Agencies have access to guidance and training on children's rights and taking a children's human rights approach.
- The Scottish Government will implement, maintain and review the [Children's Rights Skills and Knowledge Framework](#) to support public authority workforces to understand children's rights and take a children's human rights approach within frontline practice, service development, and strategic planning and decision-making.

- The Scottish Government will ensure that public sector leaders are supported to understand and promote the value of a children's human rights approach on outcomes for children and young people, and all of society.
- The Scottish Government will co-ordinate a Child Rights Regulation and Improvement Action Group to support scrutiny bodies such as regulators, inspectorates and ombudsmen to embed children's rights considerations into their practice and the practice of the organisations they reach.
- The Scottish Government will source and share good practice examples of taking a children's human rights approach, to support peer learning across public authorities.

Protecting the rights of children and young people in relation to their interactions with persons, other than public authorities, who provide services which affect children

The section 6 duty in the UNCRC Act does not apply to bodies that do not have any functions of a public nature or to acts which are wholly private. This recognises that the obligations under the UNCRC (as with other human rights frameworks) are placed on the State Party and not persons generally. However, as stated in its General Comment 16, the UN Committee on the Rights of the Child adopts the widely held view on international human rights that States Parties have an obligation to protect the rights of children when they interact with private businesses. In this respect, the UN Committee states that "inadequate oversight, inspection and monitoring of these bodies can result in serious violations of children's rights, such as violence, exploitation and neglect". A range of existing legislation places restrictions on the activity of private businesses in order to protect children - for example, public health restrictions, employment law and food safety requirements (some of which is legislation in reserved areas and over which the Scottish Parliament has no devolved authority).

The recent commencement of the provisions in the UNCRC Act means that our current priority has to be to deliver a proactive culture of everyday accountability for children's rights across public services in Scotland, including where these are delivered by the private, voluntary and independent sector in arrangement with a public authority. (Section 6(5) of the Act makes clear that, for the purposes of the Act, the term "public authority" applies to those who are delivering relevant public functions that are carried under a contract or other arrangement with a public authority and that this is not limited to functions that are publicly funded.)

However, there are some strands of work that will help to protect the rights of children and young people in relation to their interactions with persons other than public authorities (as defined by the Act), who provide services which affect children and young people. As already stated in the section of embedding relevant skills and knowledge within public authorities, we will continue to encourage scrutiny bodies such as regulators, inspectorates and ombudsmen to embed children's rights considerations into their practice and the practice of the organisations they reach. In addition:

- The Scottish Government will highlight the benefits of CRWIAs to both public authorities and private, voluntary and independent organisations, should they choose to use them, by continuing to provide guidance and templates.

All Scottish Government grants have a mandatory clause which is that the grantee must comply with the law in force at the time of the grant.

- The Scottish Government will continue to provide optional wording for grant letters to all organisations (including those who are not subject to the section duties in the UNCRC Act) on promoting, respecting, protecting and fulfilling the rights of children and young people, which grantees may choose to accept.

[Supporting Scotland's Children: Core Knowledge and Values](#) is an interactive resource outlining the essential knowledge and values that everyone who works with children or young people should have, whether they work in social care, social work, education, health, justice or communities, and whether they are a professional, student, trainee, or volunteer. It contains information about the cornerstones informing Scotland's legislation and policies around supporting the Scottish Government's vision that Scotland will be the best place in the world for children and young people to grow up. This includes the UNCRC, [Getting it right for every child](#) (GIRFEC) - Scotland's framework for promoting, supporting and safeguarding the wellbeing of all children and young people, and [The Promise](#), Scotland's commitment to care experienced children and young people that they will grow up loved, safe and respected.

- The Scottish Government will ensure that [Supporting Scotland's Children: Core Knowledge and Values](#) (formerly The Common Core) for all of those working with children and young people, continues to emphasise the importance of understanding children's rights and taking a children's human rights approach.

2.2 Empowerment: giving children and young people the knowledge and confidence to use their rights and hold organisations and individuals that affect their lives to account

Informing children and young people and their parents/carers of children's rights

Promoting awareness and understanding of the rights of children and young people is one of the duties of the Scottish Government. It is also one of the statutory functions of the [Children and Young People's Commissioner Scotland](#).

To help inform children and young people and their parents/carers of children's rights:

- The Scottish Government will work with our grant-funded and other partners to develop and implement a comprehensive UNCRC Awareness Plan in collaboration with the UNCRC Awareness Raising Communications Network, who will also be engaged annually in reviewing progress. The Plan will include content directed specifically to children and young people (who will be involved in designing this) and well as parents and carers, and to the early years, with consideration given to how this can be integrated into educational settings.
- The Scottish Government will identify particular groups of children and young people whose rights are most at risk and for whom we need to develop more targeted awareness-raising about their rights.

2.3 Participation: listening to children and taking their views seriously

Engaging children in policy development

The Scottish Government is committed to ensuring that the views of children and young people are a primary consideration in decisions that affect them. This principle of meaningful participation is central to the adoption of a children's human rights approach.

- The Scottish Government will continue to ensure that children and young people have the opportunity to, and are supported, to represent the views of their peers in their annual meetings with the Scottish Government Cabinet and Executive Team and to hold the Scottish Government to account on a rolling list of six 'calls to action' chosen by the children and young people.
- The Scottish Government will support its policy teams to adapt their processes and to commission meaningful and high-quality engagement with children and young people, through the Children and Young People's Participation Framework Agreement, where this is the most appropriate approach. (The aim of the Framework Agreement is to ensure a broad range of children and young people are involved in the wider work of the Scottish Government, including those identified as being seldom heard, furthest from their rights or vulnerable because of factors related to their personal development, features of their family life, or because of wider influences that impact on them within their community.)
- By sharing and amplifying participation guidance and best practice, the Scottish Government will support policy teams across the Scottish Government to strengthen their knowledge and skills to meaningfully engage with all children and young people.

Using, and promoting the use of inclusive ways of communicating with children

To ensure that children and young people are able to receive information and express themselves in ways that best meet their needs:

- The Scottish Government will continue to produce child friendly and accessible versions of guidance and reports to ensure children and young people can receive information about their rights, and the duties on Scottish Ministers and public authorities in relation to their rights.
- Through its funding to Young Scot, the Scottish Government will ensure that children and young people have access to inclusive digital communication from a trusted source about a range of policies and support that is available to them.
- By including, in its guide to using the Children and Young People's Participation Framework Agreement, a section on accessible and inclusive communication the Scottish Government will ensure that policy teams using the Framework promote and use inclusive communication.

To try to encourage other public authorities to ensure that children and young people are able to receive information and express themselves in ways that best meet their needs, the [Children's Rights Skills and Knowledge Framework](#) and the [non-statutory guidance on taking a children's human rights approach](#) includes advice, resources and practice examples relating to inclusive communication.

The Scottish Government is committed to improving the effectiveness of the Public Sector Equality Duty framework in Scotland, and we have committed to a phased improvement programme. As part of that programme of work, we have commissioned an inclusive communications toolkit to help duty bearers to ensure that inclusive communication is embedded proportionately across their work and to make improvements for those with different communications needs in Scotland, which should help them to meet their general equality duty.

- The Scottish Government will consider the need for child friendly communication tools and approaches for all, including children and young people, as part of its programme of work on inclusive communication support to Public Sector Equality Duty (PSED) duty bearers.

2.4 Accountability: taking steps to monitor children's rights standards and provide remedies where there is failure to meet these standards

Identifying and addressing any situation where child's rights are (or are at a significant risk of) not being fulfilled

The [Concluding Observations](#) from the UK's scrutiny by the UN Committee on the Rights of the Child in 2023 provide a helpful basis for identifying situations where

action may be needed to fulfil children's rights over the years to come. In March 2024, the Scottish Government published its [initial response](#) to these Concluding Observations.

- The Scottish Government will provide an update on progress in addressing all of the Concluding Observations for the UN Committee on the Rights of the Child that are relevant to Scotland in 2026 (midway between the UK's last constructive dialogue session with the UN Committee and the estimated date of the next session).

However, our focus will not be limited to these:

- The Scottish Government will maintain a compiled list of children's rights issues that children and stakeholders have highlighted, in published sources, are a concern to them and invite the Children and Young People's Commissioner Scotland (CYPCS), the Scottish Human Rights Commission (SHRC), and Together to review this on a regular basis.
- The Scottish Government will share a compiled list of children's rights issues that are concerning stakeholders at least every 6 months with relevant Scottish Government policy teams.
- The Scottish Government will include, in our update on progress in addressing the Concluding Observations, an update on the Scottish Government's consideration of other key children's rights issues that stakeholders have highlighted in other published sources, as appropriate.

There are almost 200 Concluding Observations that are relevant to Scotland. In addition to reporting on consideration of the full list, we aim to find a way of prioritising some key areas for closer engagement with stakeholders. As already mentioned, as part of their annual meetings with the Scottish Government Cabinet and Executive Team, children and young people are already being supported to articulate six 'calls to action' for the Scottish Government, on which we will report directly back to them on progress. In addition to this:

- The Scottish Government will invite the CYPCS, Together, UNICEF UK and the SHRC to keep the Scottish Government informed of the children's rights issues that are most concerning them and use this information, alongside other internal and external sources, to help determine Ministerial priorities for the year ahead.
- The Scottish Government will use the annual update on the Children's Rights Scheme to set out the issues Scottish Ministers have prioritised for action and any progress that has been made, as well as use this to provide an update on progress with the six calls to action that children and young people raised in their meetings with the Scottish Cabinet.

Monitoring and evaluating the extent to which children's rights are being upheld

The Scottish Government has developed a Monitoring and Evaluation framework in partnership with the UNCRC Strategic Implementation Board. This framework has

been designed to be manageable and sustainable for public authorities and others involved in supporting the delivery of the new duties under the UNCRC Act.

In developing this framework, we considered what would be required to develop robust national indicators that provide meaningful measures of each of the 42 substantive articles in the UNCRC. Recognising the scale and complexity of the work involved in developing indicators for all of the substantive rights in the UNCRC requirements, the UNCRC Strategic Implementation Board agreed that the development of indicators should focus initially on UNCRC requirements which our stakeholders believe need to be monitored particularly closely.

- The Scottish Government will scope the development of indicators that can be used to measure the extent to which children in Scotland are accessing rights in the UNCRC requirements which stakeholders consider are of particular risk of not being fulfilled for all children. We will start by focusing on articles 37 and 40 which relate to children's interaction with the justice system. Learning from that, we will then consider whether it is feasible to extend the development of indicators to other articles in the UNCRC requirements.

Another approach to evaluating the extent to which children's rights are being upheld is to consider whether the sum of the collective actions taken by public authorities is improving the lives of children and young people in Scotland. To help us to understand this, we will draw on data collected through the [Children, Young People and Families Outcomes Framework](#), which has been developed to provide an overarching understanding of children and young people's wellbeing in Scotland and to complement the National Performance Framework. It includes a set of overarching Wellbeing Outcomes (based on [SHANARRI](#)) and Shared Aims (based on the ecological approach of the Getting it right for every child [My World Triangle](#)) as well as a set of 21 [Core Wellbeing Indicators](#). The latter, although not an exact match, are connected with relevant UNCRC articles, and capture the perspectives and lived experiences of children and young people and their families. They have been substantially informed by what children, young people, and families have told us matters most to them about wellbeing.

- The Scottish Government will continue to use the Children, Young People and Families Outcomes Framework, amongst others, as a measure of whether the sum of our collective actions is improving the lives of children and young people in Scotland.

With relevant partners, we intend to explore what would be required to allow us to assess whether we have in place each of the mechanisms of change identified in the [Theory of Change for Making Rights Real](#) published by Observatory of Children's Human Rights Scotland, Matter of Focus and Public Health Scotland. This would help us to assess the extent to which we are delivering the wider cultural change required and the conditions required to empower children and young people to claim their rights. We will start by paying particular attention to the mechanism of change, "children's rights are integrated across policy areas". Our priority will be to explore

the extent to which children's rights are being considered in policy-making and driving decisions in some key areas.

- We will develop a case study approach to explore the extent to which children's rights are being considered in policy-making and driving decisions in some key areas.

Supporting children and young people to seek a remedy for a rights concern

The amendments that had to be made to the UNCRC Act to address the Supreme Court judgment mean that the section 6 compatibility duty applies to a much narrower range of public authority functions than originally hoped. This means that if children experience a potential rights breach in the delivery of services conferred under an Act of the UK Parliament, even in a devolved area, they are not able to bring proceedings against the public authority under the powers in the Act. While children and young people and their representatives will still be able to raise a complaint directly with the public authority, in some cases the options for seeking redress through the courts will not be extended by the provisions in the UNCRC Act. This makes it all the more important that there are accessible non-judicial routes to seeking a remedy for a rights concern. This is why we have recently published [accessible guidance](#) for children and young people and their representatives to help them understand how to raise a concern and seek support when they have a concern about their rights. We also funded the Scottish Public Services Ombudsman (SPSO) to promote, within the public authorities under its jurisdiction, [complaints handling procedures](#) that children can understand and use. The complaints handling process is not limited to issues and disputes relating to powers covered by the section 6 duty under the Act. Public authorities have been able to access support from SPSO with implementing the guidance. In addition:

- The Scottish Government will collect data to help understand children and young people's experiences of raising an individual rights issue to identify if and where children and young people encounter barriers and gaps in support, information, and services that they need to claim their rights. We will use this to consider where additional investment may be required, including, for example, the provision of advocacy support.
- The Scottish Government will provide grant funding: to support the continued external and independent provision of legal information for those who provide advocacy and other support to help children and young people to access their rights; and to support the continued external and independent provision of free child-centred legal representation to help empower children and young people to enforce their rights.

There is also more which could be done to extend the reach of the section 6 duty and hence the circumstances in which children and young people and their representatives can seek remedy through the courts. Repealing key provisions in devolved areas that are in Acts of the Westminster Parliament and re-enacting them in Acts of the Scottish Parliament, for example, would bring more public authority functions into scope for the powers in the Act and strengthen access to justice for children and their representatives. During the Scottish Parliament Reconsideration Stage for the UNCRC Act, Ministers therefore agreed to commission a review of UK

Acts in devolved areas to identify any key provisions that interact with children's rights to such an extent that it may be worth re-enacting them in this way. However, before we undertake such a review, we will explore with the UK Government whether there might be a more straightforward and effective route to extending protection for children's rights in Scotland, which would mean that re-enacting legislation as Acts of the Scottish Parliament may not be necessary.

- The Scottish Government will progress engagement to explore the removal of any legislative restrictions that currently limit the Scottish Parliament's ability to enhance human rights protections across all areas devolved to Scotland.
- If, by November 2026, the Scottish Government considers that progress in finding a more straightforward and effective route to extending protection for children's rights has not yet been sufficient, we will also commission a review of provisions in UK Acts in devolved areas to identify any key provisions that interact with children's rights to such an extent that it may be worth re-enacting them in Acts of the Scottish Parliament to bring them into scope of the compatibility duty. The purpose of the review would be to make available a list of provisions to support consideration of re-enacting them when the content of relevant Bills in future legislative programmes is being decided.

2.5 Equality and non-discrimination: ensuring that every child has an equal opportunity to make the most of their lives and talents

The Scottish Government is committed to making impactful and lasting progress in embedding equality into everything we do. By mainstreaming equality and human rights, we aim to address systemic inequalities and foster cultural change while fulfilling our duties under the Equality Act 2010 and other relevant legislation. Mainstreaming equality is central to our daily processes and decisions, and runs through our Programme for Government.

We are developing a Mainstreaming Strategy which will support Scottish Government, and the wider Scottish Public Sector, to focus on mainstreaming equality and human rights. After extensive engagement with internal and external stakeholders throughout 2022-2025, the main themes of the Strategy will be:

- strengthening leadership;
- developing accountability and transparency;
- ensuring effective regulatory and policy environment;
- utilising evidence and experience;
- enhancing capability and culture;
- improving capacity.

These six key drivers of change form a framework to improve how to centre equality and human rights in all Government policies, decisions and spending.

- The Scottish Government will launch a Strategy for mainstreaming equality and human rights into everything it does, with a supporting action plan and toolkit, in line with the commitment in the [2025/26 Programme for Government](#).

Additionally, in April 2025, we published [a new set of equality outcomes](#), which cover the period from 2025-2029. We have adopted a new approach to setting equality outcomes for this reporting period. These three outcomes should act as enablers of system-wide change. They are focused on improving the use and awareness of equality evidence, improving how we are informed by lived experience and participation, and strengthening relevant impact assessments.

3. Conclusion and reporting and reviewing timescales

This Children's Rights Scheme has set out the Scottish Ministers' approach to complying with the section 6 duty and securing better or further effect of the rights of children and young people.

The arrangements are intended to be wide ranging, in recognition of what will be required for the Scottish Government and other public authorities to deliver the new duties in the Act.

However, it is important to emphasise that responsibility for progressing children's rights does not rest solely on Scottish Ministers. It will require leadership and support from a wide range of public authorities, third sector organisations, academic organisations, funders, and civic society. We encourage all organisations to consider how they can embed the drivers of change that are required and are set out in the [Theory of Change for Making for Children's Rights Real](#).

We have made important progress in our journey to making Scotland a country that respects, protects and fulfils children's rights. Our work on giving further and better effect to children's rights has to be sequenced and timetabled, not only to reflect the resources available but also so that we build on progress in a manageable and incremental way, taking time to understand what is working well and when we are ready to build on this with next steps.

Reporting on, reviewing and amending the Scheme

Section 14(4) of the Act states that this first Children's Rights Scheme must specify the date by which the first report on its operation is to be published and laid before the Scottish Parliament. Section 16(7) states that thereafter, the reporting period is each subsequent period of a year.

We intend to lay the first report on the operation of this Scheme before Parliament in November 2026, to coincide as closely as possible with World Children's Day and establish this timing for subsequent reports. This will be accompanied by a child friendly version.

Section 16(3) of the Act states that the report on the Scheme's operation must include a summary of the actions taken for the purpose of ensuring compliance with the section 6 duty and securing better or further effect of the rights of children during the reporting period. It also states that it should include a summary of any actions that the Scottish Ministers intend to take in the next reporting period. As explained in the introduction, under section 16(5), if new actions are to be set out for the next reporting period, the Scottish Ministers must consult (in relation to those actions) with:

- children and young people;
- the Commissioner for Children and Young People in Scotland;
- the Scottish Human Rights Commission; and,
- such other persons as the Scottish Ministers consider appropriate.

To ensure that there is enough time between setting the first actions and considering the need for new actions and so that we avoid overburdening children and young people and the children's rights sector with consultation demands, we have drafted this first Children's Rights Scheme to include arrangements and commitments that are sufficiently broad and ambitious to stand until at least November 2028.

We recognise the requirement in Section 16(2) of the Act that at the end of each reporting period, the Scottish Ministers must take into account the following things when reviewing the Scheme:

- the UN Committee on the Rights of the Child (the Committee) making a suggestion or general recommendation based on a report submitted by the United Kingdom;
- an amendment to the UNCRC or to an optional protocol to the UNCRC entering into force;
- the Committee making a General Comment;
- the Committee adopting views and findings under the third optional protocol;
- the Committee making recommendations following days of general discussion;
- the United Kingdom ratifying a protocol to the UNCRC; and
- a court making a strike down declarator or an incompatibility declarator.

If an amendment to the Scheme or a new Scheme is proposed, the Scottish Ministers must again consult with:

- children and young people;
- the Commissioner for Children and Young People in Scotland;
- the Scottish Human Rights Commission; and,
- such other persons as the Scottish Ministers consider appropriate.

As required under section 16(3)(b) of the Act, a statement about whether or not the Scottish Ministers intend to amend the Scheme or make a new Scheme will be included in the first report on its operation.

Annex A: How Consultation On The Draft Scheme Shaped The Final Version

Following consultation with the UNCRC Strategic Implementation Board and targeted consultation with: the Commissioner for Children and Young People in Scotland; the Scottish Human Rights Commission; Together; and UNICEF (UK), the draft Scheme was amended to reflect their feedback in the following ways:

- More concise presentation, so that some of the detail of how we will deliver the arrangements is included in the annual updates on the Scheme and some material is moved to annexes.
- Scheme structured around the principles of a children's human rights approach articulated in the Scottish Government's 'Guidance on taking a children's human rights approach'.
- Inclusion of commitments to grant fund the continued external and independent provision of: legal information for those who provide advocacy and other support to help children to access their rights; and free child-centred legal representation to help empower children to enforce their rights.
- Inclusion of a commitment to work constructively with the UK Government to seek and remove any legislative restrictions that currently limit the Scottish Parliament's ability to enhance human rights protections across all areas devolved to Scotland.
- Inclusion of a commitment to the review of legislation, if discussions with UK Government do not make meaningful progress by November 2026.
- Enhancement of the commitment on meaningful engagement with children and young people so that policy teams are supported to do this well.
- Inclusion, in the commitment to maintaining the Skills and Knowledge Framework, of a commitment to evaluate and review it.
- Removal of the reference to working with stakeholders to identify a rolling list of five high priority children's rights that are concerning them and engaging with policy teams on these. The commitment is now: to invite the CYPSC, Together, UNICEF UK and the SHRC to keep the Scottish Government informed of the children's rights issues that are most concerning them; and to use this information from key stakeholders, alongside other internal and external sources, to help determine Ministerial priorities for the year ahead.
- Inclusion of a commitment to conduct regular evaluations of awareness raising and training across the Scottish Government on the statutory requirement for CRWIAs.
- Commitment to a quality assurance process to monitor use of CRWIAs within the Scottish Government.
- Addition of a section on ensuring that legislation is compliant with children's human rights and inclusion of a commitment to ask relevant public authority networks, at least annually, if they are aware of any legislation which, in their view, may be incompatible with the UNCRC requirements and how this is affecting their service delivery and where they may require to rely on the exemption set out in part 2 of the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill.

- Inclusion of a commitment that will ensure that the statutory reviews of the National Performance Framework are informed by the views of children and young people, including through direct engagement with them.
- Inclusion of a paragraph about how we raise awareness and promote 'Supporting Scotland's Children: Core Knowledge and Values'.
- Inclusion of information about the process for reviewing and revising the Scheme.

The engagement with children and young people suggested that overall, they were positive about the draft commitments but they highlighted other things that they considered necessary to strengthen access to their rights. Our assessment was that there was already enough work underway or planned to deliver what children and young people highlighted was necessary. Not all of that work could be included in the Children's Rights Scheme, which is focused on new work for the future rather than work already delivered or underway. For that reason, the child friendly version of the Scheme includes an annex that summarises the feedback from children and young people and provides an explanation of what we are already doing to address this.

Annex B: The Link Between The Arrangements And What The UNCRC Act Specifies Must Be Included

Sections 14(3) and 17(3) of the Act states that the Scheme must include arrangements for achieving a specific set of outcomes by the Scottish Ministers. Those outcomes and the arrangements that will help to achieve them are listed below.

Ensure that children are able to participate in the making of decisions that affect them with access to such support and representation (for example from children's advocacy services) as they require to do so.

Arrangements number 1, 20, 21, 22, 37 & 38.

Identify and address any situation where a child's rights are (or are at a significant risk of) not being fulfilled.

Arrangements number 27, 28, 29, 30, 31, 32, 33, 34 & 35.

Raise awareness of and promote the rights of children.

Arrangements number 8, 9, 10, 11, 12, 13, 14, 15, 18, & 19

Promote complaints handling procedures that children can understand and use.

Arrangement number 37. (The Scottish Government's planned commitment on child friendly complaints processes has already been delivered – see section "Supporting children and young people to seek a remedy for a rights concern".)

Ensure that children have effective access to justice.

Arrangements number 37, 38, 39 & 40.

Protect the rights of children in relation to their interactions with persons, other than public authorities, who provide services which affect children.

Arrangements number 16 & 17.

Consider the rights of children in the Scottish Government's budget process.

Arrangements number 2, 3 & 4.

Ensure that their actions contribute to any national outcome for children determined by them under Part 1 of the Community Empowerment (Scotland) Act 2015.

The general principle that the National Outcomes will continue to drive the work and priorities of the Scottish Government and its Executive Agencies and that the Scottish Government budget will continue to be focused on the strategic priorities set out in the National Outcomes and the First Minister's key priorities.

Prepare and publish Child Rights and Wellbeing Impact Assessments.

Arrangements number 5, 6, 7, 8 & 9.

Use, and promote the use of, inclusive ways of communicating that ensure that children are able to receive information and express themselves in ways that best meet their needs (in relation to speech, language or otherwise).

Arrangements number 23, 24, 25 & 26

Annex C: The Link Between The Arrangements And The Concluding Observations From The UK's Scrutiny By The UN Committee On The Rights Of The Child In 2023

This Annex lists the arrangements made in the Children's Rights Scheme (CRS) in a way that highlights how they will help to support the Scottish Government in taking forward specified [Concluding Observations](#) from the UK's scrutiny by the UN Committee on the Rights of the Child in 2023. As discussed at section 2.4 of this report, the Scottish Government will provide an update on progress made in taking forward all of the Concluding Observations that relate to Scotland in 2026.

Development of the CRS

The development of the CRS and arrangements for reviewing and reporting on the Scheme will help to take forward the following Concluding Observations:

- Paragraph 9a - Develop and adopt comprehensive policies and action plans on the implementation of the Convention, with the participation of children, in all jurisdictions of the State party ... that encompass all areas covered by the Convention and include specific time-bound and measurable goals.
- Paragraph 9b - Ensure the effective implementation of policies and action plans on children, and ensure that they are supported by sufficient human, technical and financial resources.
- Paragraph 10 - ...establish structures, such as a ministerial lead at the national level with corresponding structures in the devolved administrations and territories, responsible for ensuring the effective monitoring and coordination of all activities relating to the implementation of the Convention across all sectors and at all levels.

Preparing and publishing child rights and wellbeing impact assessments (CRWIAs) and statements of compatibility

Arrangements on providing quality assurance of CRWIAs and on raising awareness of the need for these and statements of compatibility will help to take forward the following Concluding Observation:

- Paragraph 21a - Ensure that the principle of the best interests of the child is consistently applied in all policies, programmes and legislative, administrative, and judicial proceedings affecting children, including in relation to placement in alternative care, domestic violence, custody, trafficking in children, child justice, migration, and asylum procedures.
- Paragraph 21c - Take measures to develop and implement a tool for the purpose of child rights impact assessments throughout the State party.

Considering the rights of children in the Scottish Government's budget process

Arrangements to publish a CRWIA on the annual Budget; to continue to publish annual budget lines that will allow for the identification of relevant spend; and to continue to look for opportunities to demonstrate and share good practice in child rights budgeting will help to take forward the following Concluding Observations:

- Paragraph 11 - ...incorporate a child rights-based approach into the State budgeting process in all jurisdictions of the State party....
- Paragraph 11e - Ensure transparent and participatory budgeting in which civil society, the public and children can participate effectively.

Embedding relevant skills and knowledge within public authorities

The arrangement to continue to deliver a UNCRC National Improvement Programme to support public authorities to take a children's human rights approach to service delivery, including by ensuring staff within the Scottish Government and Executive Agencies have access to guidance and training; and the maintenance of a Children's Rights Skills and Knowledge Framework to support public authority workforces will help to take forward the following Concluding Observations.

- Paragraph 14b - Ensure systematic training on children's rights, the Convention and the Optional Protocols thereto for all professionals working for and with children, in particular those working in education, social work, law enforcement, immigration and justice.
- Paragraph 21b - Strengthen the capacity of all relevant professionals to assess and determine the best interests of the child and to give that principle due weight as a primary consideration.
- Paragraph 23c - Ensure that all relevant professionals working with and for children systematically receive appropriate training on the right of the child to be heard and to have his or her opinions taken into account.

Protecting the rights of children in relation to their interactions with persons, other than public authorities, who provide services which affect children

Arrangements to: highlight the benefits of CRWIAs to public authorities and private, voluntary and independent organisations (should they choose to use them); to ensure that the Supporting Scotland's Children: Core Knowledge and Values (formerly The Common Core) for those working with children and young people continues to emphasise the importance of taking a children's human rights approach; and to encourage scrutiny bodies such as regulators, inspectorates and ombudsmen to embed children's rights considerations into their practice will help to take forward the following Concluding Observations:

- Paragraph 14b - Ensure systematic training on children's rights, the Convention and the Optional Protocols thereto for all professionals working for and with

children, in particular those working in education, social work, law enforcement, immigration and justice.

- Paragraph 21b - Strengthen the capacity of all relevant professionals to assess and determine the best interests of the child and to give that principle due weight as a primary consideration.
- Paragraph 21c - Take measures to develop and implement a tool for the purpose of child rights impact assessments throughout the State party.

Informing children and their parents/carers of children's rights

Arrangements to work with our grant-funded and other partners to develop a comprehensive UNCRC Awareness Plan and to identify particular groups of children whose rights are most at risk and for whom we need to develop more targeted awareness-raising about their rights, will help to progress the following Concluding Observation.

- Paragraph 14a - Adopt a national strategy for awareness-raising on children's rights among the public and promote the active involvement of children in public outreach activities.

Engaging children in policy development

Arrangements to continue to ensure that children are supported to represent the views of their peers in their annual meetings with the Scottish Government Cabinet and Executive Team and to support Scottish Government policy teams to commission meaningful and high-quality engagement with children and young people will help to progress the following Concluding Observation.

- Paragraph 23b - Strengthen measures to promote the meaningful participation of children ...in policymaking at the local and national levels, including on so-called reserved matters, and develop mechanisms to ensure that the outcomes of children's and youth parliaments are systematically fed into public decision-making.

Using, and promoting the use of inclusive ways of communicating with children

Arrangements for the Scottish Government to continue to produce accessible versions of guidance and reports to ensure children can receive information about their rights and to ensure that children have access to inclusive digital communication from a trusted source, will help to take forward the Concluding Observations listed below. By considering the need for communication approaches as part of its work on inclusive communication support to Public Sector Equality Duty bearers, we will also contribute to progress made.

- Paragraph 14a - Adopt a national strategy for awareness-raising on children's rights among the public and promote the active involvement of children in public outreach activities.

- Paragraph 23b - Strengthen measures to promote the meaningful participation of children in family, community and school settings, and in policymaking at local and national levels, including on so-called reserved matters,....

Identifying and addressing any situation where child's rights are (or are at a significant risk of) not being fulfilled

Arrangements to maintain, and circulate regularly to relevant Scottish Government policy teams, a compiled list of children's rights issues that children and stakeholders have highlighted in published sources, and to invite key children's rights stakeholders to keep the Scottish Government informed of the rights issues that are most concerning them will help to take forward the Concluding Observation listed below. Annual reporting through the Children's Rights Scheme and the commitment to publish an update on progress made in taking forward the UN Concluding Observations that relate to Scotland in 2026 will help to monitor progress made.

- Paragraph 60 - Take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented.

Monitoring and evaluating the extent to which children's rights are being upheld

Arrangements to scope the development of indicators that can be used to measure the extent to which children in Scotland are accessing rights in the UNCRC requirements [in consultation with stakeholders]; to continue to use the Children, Young People and Families Outcomes Framework, amongst others, to measure improvement; and to explore the extent to which children's rights are being considered in policy-making in some key areas will help to take forward the following Concluding Observations

- Paragraph 12a – ...the State party: strengthen its data-collection system with regard to both qualitative and quantitative indicators to encompass all areas of the Convention and ensure that the data are disaggregated by age, sex, disability, geographical location, ethnic origin, nationality and socioeconomic background.
- Paragraph 12b - Improve the collection and analysis of data ... on violence against children, mental health, food insecurity, malnutrition, education and the situation of children in disadvantaged situations, including children in alternative care, children with disabilities, asylum-seeking and migrant children, and children of incarcerated parents.

Supporting children to seek a remedy for a rights concern

Arrangements: to launch accessible guidance for children on how to raise a concern about their rights; to collect data on children's experiences of raising individual rights issues; and to fund the Scottish Public Services Ombudsman to promote child

friendly complaints handling procedures within the public authorities under its jurisdiction will help to progress the Concluding Observations listed below.

Arrangements to fund both the continued external provision of legal information for those who provide advocacy and other support to help children to access their rights, and the continued external provision of free child-centred legal representation will also contribute to progress made.

- Paragraph 17a - Ensure that all children have access to confidential, child friendly and independent complaint mechanisms in schools, alternative care settings, foster care systems, mental health settings and detention for reporting all forms of violence, abuse, discrimination and other violations of their rights, and ...raise awareness among children of their right to file a complaint under existing mechanisms.
- Paragraph 17b - Ensure all children have access to legal support and representation in addition to remedies, including by removing barriers faced by children in disadvantaged situations .
- Paragraph 20b - ..establish clear avenues for children to seek justice in cases of discrimination.



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