

Call for Views – The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill

| Question | Response | Source |
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| Section One | | |
| Will the Bill make it easier for children to access their rights? | <p>In theory yes, it will give children more confidence to articulate their views and speak up when they need to refer to their rights and have them upheld. It also provides a key source of support and guidance in Scotland's Children's Commissioner's office.</p> <p>Our expectation is that the incorporation will improve outcomes, however there is still a lot to be done in terms of raising awareness amongst vulnerable groups in understanding and using rights and building confidence to access support to ensure their rights are upheld. Key adults supporting children require to understand the UNCRC and the bill, ensuring that those working in education, child protection and working with care experienced children and young people are competent and confident in their use.</p> <p>Support for activity to raise, reinforce and remind families, communities, and the workforce about the importance of the awareness of the new bill amongst children and young people. Thereafter routinely seeking opportunities via the school curriculum and other key forums. This should be one of the benefits of the Children's Rights Charter/Framework.</p> | |
| What do you think about the ability to take public authorities to court to enforce children's rights in Scotland? | <p>Yes, we agree with this aspect of the bill. Enforceability is crucial in respecting children's rights and a range of enforcement powers in respect of different acts will make this a better option for children.</p> <p>We encourage and welcome a proactive culture for children's rights in Scotland with a duty to comply is required.</p> <p>There are safeguards in the children's hearing system to maintain compatibility with UNCRC.</p> | |

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| | Public authorities need to know what is expected and from whom to secure best practice in ensuring rights are upheld. | |
| What more could the Bill do to make children's rights stronger in Scotland? | <p>We think that a duty for an explicit children's rights policy by local authorities or respective partners e.g. Education, Social Work, Health Board, Police is key to improving outcomes in putting rights firmly on the agenda.</p> <p>Provide a specific focus on vulnerable groups – e.g. disabled, asylum seekers, care experienced children, BME communities etc regarding non-discrimination (article 2).</p> <p>Maybe more consideration of additional resources for the Children's Commissioner's Office to carry out the increase tasks associated with the bill.</p> <p>The bill should have its own CRWIA and adopt the principles of wellbeing in an 'all policies' approach.</p> <p>Are you considering what the consequences for public bodies not upholding children's rights might look like? E.g. Children's Commissioner role to seek compensation on behalf of children? Scale?</p> | |
| If you work for an organisation or public authority, what resources do you need to help children and young people access their rights? Will you require additional resources or training to implement the Bill, for example to make or respond to challenges in court? | <p>Will funding come to public bodies with the implementation of duties, i.e. to support staff training at different levels to maintain a necessary level of knowledge and expertise? What additional tools or resources will be made available?</p> <p>We think that support from decision makers is essential to establish staff competence and confidence in autonomy for supporting children's rights. Certain groups of staff will also require an enhanced level of training in awareness of the UNCRC and the duties to job specific roles e.g. working with children with communication difficulties.</p> <p>One potential area of developing good practice in South Lanarkshire, is the production of a Children's Rights Handbook! This is part of our awareness raising/training agenda.</p> <p>While South Lanarkshire already have learn online modules for staff to complete, a Children's Rights module could be incorporated into this for all staff (new and current) to complete and incorporated into the already established school's annual checklist so that Head Teachers know to discuss Children's Rights yearly with staff, it would be a requirement.</p> | |

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| | <p>Differentiated resources would be needed, (cost implication), especially for our ASN pupils of all ages and training for all school staff, not just teaching staff, would be essential.</p> <p>The Scottish Government should consider a national resource for training and branding that can be used for a consistent message and understanding e.g. e-learning module. National message has to be clear in highlighting the benefits of children's rights with a clear link to the work of the Children's Commissioner</p> <p>We think we will require a level of investment to update our existing resources and paperwork e.g. HR staff may have to revisit job descriptions?</p> | |
| Section Two | | |
| Are there any relevant equalities and human rights issues related to this Bill, or potential barriers to rights, that you think we should look at? | <p>Yes (article 12 v article 3) e.g. children's views around their wants and needs v's what public authorities decide is in the best interest of the child. SW, Reporter, Child Protection, Mental Health etc</p> <p>Part 4 of the Children and Young Persons (Scotland) Act 2014 - Named Person in breach of parents' rights, may be some unforeseen consequences as a result of the bill.</p> <p>It is likely there will be an increased demand for advocacy services which may be an issue of accessibility due to limited capacity. We need to ensure that there is a consistency of quality and regulation of advocacy services for children to provide the best possible standard of support for children and young people facing challenges including at times of increased vulnerability.</p> <p>We need to learn from previous examples e.g. ASN children/parents perspective / experience of difficulties in accessing support they are entitled to. Routine engagement and participation is essential going forward.</p> | |
| What are your views on the provisions in the Bill that allow the courts to strike down legislation judged to be incompatible with the UNCRC? | While we generally have legislation that is in place and compliant to human rights and UNCRC, we need to be aware that conflicts may occur and need an effective approach to manage this consistently. | |

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| <p>What are your views on the Children's Rights Scheme and the requirement on public authorities to report?</p> | <p>We support this suggestion which would encourage good practice and could be extended to local authorities/health boards (3 year cycle of reporting is not currently a statutory duty), possibly incorporated in Children's Services Plan duty to report annually (as we have done in South Lanarkshire through 'Section 4' of the annual report providing a proactive plan for children's rights activity for the coming year).</p> <p>There should be a minimum standard for the scheme about what needs to be reported on – essential/optional e.g. consultations carried out with children and young people as part of planning decisions – essential, number/outcome of court cases - optional?</p> <p>We think that acknowledging recent learning from COVID-19 is essential, especially where we didn't take a rights-based approach. This will sharpen our focus and awareness regarding how we do things differently in the future.</p> | |
| <p>Is there anything else you want to tell us about the Bill?</p> | <p>It is important the Bill assists people across Scotland whether, children, young people, families, communities, or the wider workforce supporting them to actively seek to ensure children's rights are embedded in daily life and upheld without question.</p> | |