ARGYLL AND BUTE COUNCIL **COMMUNITY SERVICES COMMITTEE**

EDUCATION **11TH MARCH 2021**

ARGYLL AND BUTE CHILDREN'S RIGHTS REPORT 2020 – 2023

1.0 EXECUTIVE SUMMARY

1.1 This report examines how children's rights are currently respected and ensured within Argyll and Bute, and identifies some of the key actions taking place over the next three years to further children's rights across the authority. In this report Argyll and Bute Council, Highland Health Board and our partners confirm that we support the Scottish Government's vision that Scotland become the best place in the world for a child to grow up, with opportunities for all to flourish.

1.2 The Children and Young People (Scotland) Act 2014 places a duty on local authorities to report on the steps they have taken to better secure or further the effect of the UNCRC requirements.

1.3 It is recommended that the Community Services Committee:

- Note the measures taken by the authority both to respect and ensure children's rights during the COVID-19 pandemic;
- Note current practice within Argyll and Bute underpinning and ensuring children's rights;
- Note the authority's key actions going forward to respect and ensure children's rights;
- Endorse the Argyll and Bute Children's Rights Report 2020 – 2023

ARGYLL AND BUTE COUNCIL **COMMUNITY SERVICES COMMITTEE**

EDUCATION **11TH MARCH 2021**

ARGYLL AND BUTE CHILDREN'S RIGHTS REPORT 2020 – 2023

2.0 INTRODUCTION

2.1 Via The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, Scotland is set to become the first country in the UK to directly incorporate the UNCRC into domestic law. The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill was introduced to the Scottish Parliament on 1 September 2020. The UNCRC (Incorporation) (Scotland) Bill will make it unlawful for public authorities to act incompatibly with the incorporated UNCRC requirements, giving children, young people and their representatives the power to go to court to enforce their rights.

The Bill:

- directly incorporates the UNCRC as far as possible within the powers of the Scottish Parliament;
- makes it unlawful for public authorities to act incompatibly with the incorporated UNCRC requirements;
- gives power to the Children's Commissioner to take legal action in relation to children's rights;
- requires Ministers to produce a Children's Rights Scheme setting out how they comply with children's rights and to report annually;
- requires listed public authorities to report every three years on how they comply with children's rights.

2.2 In keeping with the final requirement above, this report examines how children's rights are currently respected and ensured within Argyll and Bute, and identifies some of the key actions taking place over the next three years to further children's rights across the authority. In this report Argyll and Bute Council, Highland Health Board and our partners confirm that we support the Scottish Government's vision that Scotland become the best place in the world for a child to grow up, with opportunities for all to flourish.

2.3 The Children and Young People (Scotland) Act 2014 places a duty on local authorities to report on the steps they have taken to secure better or further the effect of the UNCRC requirements.

3.0 RECOMMENDATIONS

3.1 It is recommended that the Community Services Committee:

- Note the measures taken by the authority both to respect and ensure children's rights during the COVID-19 pandemic;
- Note current practice within Argyll and Bute underpinning and ensuring children's rights;
- Note the authority's key actions going forward to respect and ensure children's rights;
- Endorse the Argyll and Bute Children's Rights Report 2020 – 2023

4.0 DETAIL

4.1 The work of Argyll and Bute Council to respect and ensure the rights of children and their families over the last three years has focused on the following areas:

- Seeking and listening to the voices of children and young people;
- Consulting with children and young people on policies and strategies relevant to their lives: education, health, social care, housing, environment and leisure;
- Carrying out *Children's Rights and Wellbeing Impact Assessments (CRWIAs)* to ensure children's rights are a key consideration in policy and strategic planning;
- Being guided in all work with and for children and young people by GIRFEC Wellbeing Indicators and the articles of the United nations Convention on the Rights of the Child (UNCRC)

4.2 The Argyll and Bute Children's Rights Report 2020 – 2023 is available in a child-friendly version which will be distributed to all families.

4.3 The report makes clear reference to and is informed by the 2018 Joint Inspection of Children's Services in Argyll and Bute. The report focusses particularly on Care-Experienced children and children on the child protection register, and details children's and young people's involvement with the Care Inspectorate's inspection activities.

4.4 The report goes on to define clearly what is entailed by children's rights, summarising the nature and role of the UNCRC and how its 54 articles are arranged into clusters or themes.

4.5 The report continues by establishing the links between the articles of the UNCRC and the GIRFEC Wellbeing Indicators. Thus, the report emphasises the coherence between practice locally and nationally in Scotland, and the articles of the UNCRC.

4.6 The implementation in Argyll and Bute of of Children's Rights and Wellbeing Impact Assessments (CRWIAs) is a focus of the report. These assessments utilise both the GIRFEC Wellbeing Indicators and the UNCRC articles to assess the potential impact of a policy or other measure on children and young people's rights and wellbeing in Scotland. It is a key part of our plan that these will be carried out in Argyll and Bute and the outcomes used to develop good policies and practice.

4.7 The report continues by detailing the many ways in which Argyll and Bute's response to COVID-19 has clearly articulated and has been informed by the focus on children's rights and the welfare of children and young people.

4.8 There then follows what constitutes the main body of the report. It highlights key examples of Argyll and Bute's practice reflecting the articles of the UNCRC under the headings of the eight UNCRC Clusters:

- General Measures of UNCRC Implementation
- General Principles of the UNCRC
- Civil Rights and Freedom
- Violence Against Children
- Family Environment and Alternative Care
- Basic Health and Welfare
- Education, Leisure and Culture
- Special Protection Measures

4.9 Key Actions Going Forward

- Ensure CRWIAs are consistent and rigorous;
- Ensure children's voices are central to the development of services;
- Implement highly effective multi-agency working for maximum impact on children's lives;
- Further support children with a parent in custody;
- Increase the focus on and teaching of children's and human rights in the curriculum, and further advance the *Rights Respecting School Award* programme;
- Further develop the Automated Benefits approach (eg. In relation to Free School Meals and School Clothing Grants);
- Maximise access to Argyll and Bute's facilities and amenities which promote and encourage wellbeing.

5.0 CONCLUSION

5.1 This is the first report and plan relating to Children's Rights published by Argyll and Bute Council. It clearly confirms the already strong focus on children's rights in the authority.

5.2 Officers from Argyll and Bute will take forward the plan within the Northern Alliance regional improvement collaborative and at Authority level.

6.0 IMPLICATIONS

6.1 Policy - In line with national legislation and education policy

6.2 Financial - At this point in time there are no direct financial implications arising from the recommendations of this report

6.3 Legal - At this point there are no direct legal implications

6.4 HR – None

6.5 Fairer Scotland Duty - Progressing the aims of the Plan will reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions

6.5.1 Equalities - protected characteristics - Progressing the aims of the Plan relates to the protected characteristics of age and disability as detailed in the Equalities Act 2010

6.5.2 Socio-economic Duty - Progressing the aims of the Plan will reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decision

6.5.3 Islands - None

6.6 Risk - Failure to report on the steps Argyll and Bute Council have taken to better secure or further the effect of the UNCRC requirements would be in contravention of the Children and Young People (Scotland) Act 2014 and could invite legal challenge and constitute a negative reputational risk for Argyll and Bute Council. The risk is low.

6.7 Customer Service: None

Douglas Hendry, Executive Director with responsibility for Education

Councillor Yvonne McNeilly, Policy Lead for Education

For further information contact:
Simon Easton
Acting Head of Education: Lifelong Learning & Support
Email: simon.easton@argyll-bute.gov.uk
Tel: 01436 657681

11 March 2021

APPENDICES
Appendix 1 – Argyll and Bute Children's Rights Report 2020-2023