

Management Committee

Date: 30 June 2021



Children's Rights

1.0 Purpose

The purpose of this report is to provide the CPP Management Committee with information on work that has taken place in the area of children's rights.

2.0 Recommendations

The CPP Management Committee are asked to:

- Note the work being carried out in the area of Children's Rights in Argyll and Bute.

3.0 Background

The Children and Young People (Scotland) Act 2014 said that:

As soon as practicable after the end of each 3 year period, an authority to which this section applies must publish (in such manner as the authority considers appropriate) a report of what steps it has taken in that period to secure better or further effect within its areas of responsibility of the UNCRC requirements.

This local authority duty sits alongside the Ministerial duty to promote public awareness and understanding of the rights of children under Part 1 of the Children and Young People (Scotland) Act 2014.

The guidelines for producing a local report stated that those involved in producing a local report could include a Local Authority, Health Board and an Integrated Joint Board. In Argyll and Bute a SLWG was formed which included representatives from the HSCP, Education and Youth Services. A report was produced and approved by the IJB and Council, in November 2020. This report will cover the period from 2020 to 2023.

<https://www.argyll-bute.gov.uk/health-and-social-care-partnership>

Guidance issued for the report stated that:

Public authorities should create opportunities for stakeholders, including children and young people, to scrutinise the findings of Children's Rights Reports and provide mechanisms for feedback.

In order to accomplish this education partners produced a Children and Young people's Argyll and Bute UNCRC Report. This has been used in Schools to help children and young people to understand their rights and what has been going on locally and nationally to ensure that their rights are understood and respected. The report contains a link to the main Argyll and Bute Children's Rights Report.

<https://sites.google.com/ab.glow.scot/ab-uncrcreporting-cyp/home>

On 16th of March 2021 the Scottish Government passed the UNCRC Incorporation Scotland bill.

<https://beta.parliament.scot/bills-and-laws/bills/united-nations-convention-on-the-rights-of-the-child-incorporation-scotland-bill>

In April The UK Government has decided to refer the UNCRC (Incorporation) (Scotland) Bill to the UK Supreme Court. The UK Government is concerned that parts of the Bill may go beyond the powers of the Scottish Parliament. This is a constitutional matter and work on embedding the UNCRC will continue locally. The Scottish Government will produce a set of guidance that will assist public authorities to understand the purpose of the Bill, consider their status as a public authority, assess their functions, and undertake a process to review current compatibility and readiness. These guidance notes are currently awaited.

4.0 Detail

Following the publication of the Argyll and Bute Children's Rights Report and the Scottish Government passing the UNCRC (Incorporation) (Scotland) Bill; a multi-agency Short Life Working Group was set up and Brian Reid (Interim Head of Children and Families and Justice Services) became the Lead for Children's Rights in Argyll and Bute. The group has met once with a further meeting planned for mid-June. The aim of the group is to look at how children's rights and the UNCRC can best be respected and embedded into the policies and practices of the Council and its partners. A key point made at the initial meeting is that children's rights are an issue that concerns all departments of the Council and not just Children's Services or the HSCP. This can best be understood when we look at what the bill actually does:

- directly incorporates the UNCRC as far as possible within the powers of the Scottish Parliament
- makes it unlawful for public authorities and anyone undertaking functions or providing services to children with public money 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
- gives children, young people and their representatives the right to go to court to enforce their rights, if necessary

The Argyll and Bute’s Short Life Working Group will consider how best to meet these requirements and what development and training requirements might be necessary. In the initial meeting there was support from its members regarding the idea of a Children’s Rights Officer post being created and this will be explored further.

5.0 Conclusions

The children’s Rights journey in Scotland is a long one, the Bill follows a decade of developments that have been furthering children’s rights across legislation, policy and practice in Scotland – including [GIRFEC](#), the [Children and Young People \(Scotland\) Act 2014](#), [Scottish Government’s 2018-21 Action Plan](#), and most recently the [Children \(Scotland\) Act 2020](#). It follows a Scottish Government consultation in May 2019 to seek views on the best way to incorporate the UNCRC.

In Argyll and Bute a Children’s Rights Report, and child / young people’s version, have been produced and a working group set up, under the leadership of Brian Reid, to move the agenda forward. Already a number of key plans and policies, such as the Children and Young People’s Service Plan 2020-2023, the Argyll and Bute Education Annual Plan 2020-2021 and the Child Poverty Action Plan are closely linked with Children’s Rights Report. In addition work is being undertaken to incorporate Child Rights and Wellbeing Impact (CRWIA) Assessments into our existing Equality and Socio-Economic Impact Assessments (EQSEIA).

Progress will be enhanced by the awaited Scottish Government Guidance on implementing the UNCRC and it is anticipated that positive progress will be reported throughout the coming year.

6.0 Implications

Strategic Implications	There are strategic implications from this area of work as Argyll and Bute will be expected to deliver on the requirements set out in the Bill, noted in this report.
Consultations, Previous considerations	Children and Young People within our schools have been engaged and consulted with through their engagement with the children and young people’s version of the Children’s Rights Report. Further engagement plans will be considered by the working group.
Resources	There are resource implications that have yet to be determined. These will relate to training and other service development needs identified. The issue of whether Argyll and Bute should have a Children’s Rights Officer also needs to be considered.
Prevention	No issues identified
Equalities	Equalities are at the heart of this area and it will be important to consider the needs and rights of children with Protected Characteristics.

For more information, contact

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References

The United Nations Convention on the Rights of the Child.

<https://downloads.unicef.org.uk/wp-content/uploads/2016/08/unicef-convention-rights-child-uncrc.pdf>

The United Nations Convention on the Rights of the Child; in child friendly language

<https://www.unicef.org/sop/convention-rights-child-child-friendly-version>