

Update for CPP Management Committee: Implementation of the UNCRC

In order to assist local authorities with the implementation of the UNCRC, the Improvement Service, led by Rebecca Spillane, UNCRC Implementation Manager, have produced the “Getting Ready for UNCRC Incorporation Framework: A Practical Resource for Local Authorities in Scotland to prepare for UNCRC Incorporation” Autumn 2022.

This document looks at a Theory of Change for implementing the UNCRC in Scotland; the key change areas identified are:

- Policy - policy adaptation, coordination, administrative integration and budgetary consideration.
- Capacity - building cross-sector capacity and capability to integrate rights-based ways of working.
- Culture - changing attitudes, norms, values and everyday actions.
- Empowerment - ensuring a system of information, advocacy, complaints, redress and effective remedy for children and young people

From this it goes on to provide a framework for action and identifies the Key Steps to take to Get Ready for UNCRC Incorporation; these are:

1. Leadership;
2. Participation of Children and Young People;
3. Empowerment of Children and Young People;
4. Child Friendly Complaints Procedure;
5. Training and Awareness Raising;
6. Improving Practice- Tools and Resources to support your work;
7. Publishing Child Friendly Information;
8. Measuring Progress;
9. Children’s Rights Budgeting;
10. Accountability and Reporting on Children’s Rights;
11. Non Discrimination / Rights at Risk.

Key Things to remember when looking at the implementation process:

- The UNCRC provides a **rights-based framework** to uphold the rights of children and take their views into account in decisions that affect them including policy, practice and budget making decisions. This extends beyond the traditional areas of education and children’s services and into areas such as housing, transport and the environment. It also extends to those services being delivered by organisations who are commissioned or procured by a duty bearer e.g. the Council or Health Board.

- Implementation of the UNCRC must be a **whole Council approach** and must extend beyond traditional areas like education and children's services. Leaders will need to embrace the need for actions like; child friendly complaints procedures, providing child friendly information, co-production in planning / budgeting etc. with children and young people, training of staff in UNCRC / children's rights respecting practice, review of all policies and plans to ensure they are compliant with the UNCRC and the rights of the child; monitoring of all of these areas going forward will be important
- There will be a nationally agreed process for implementing a **child friendly complaints procedure**. However the Argyll and Bute UNCRC Implementation Group is looking at Argyll and Bute being selected as one of the areas piloting this procedure in the next 4 months. This will place us at the forefront of this change process.
- **Data and evidence** will be necessary to allow the Council to be able to demonstrate compliance and meet its reporting duty. We are required to complete a Children's Rights Report 2023 - 2026, by the end of April this year. This will replace and update our existing Children's Rights Report which was produced in 2020.

The UNCRC Implementation Group are looking at producing a Toolkit to assist Managers and Heads of Service with understanding and implementing the necessary changes. This could be combined with an awards system that requires evidence of changes made and the creation of a Children's Charter by each service. A similar process is currently being used with some success in Inverclyde.

- **Staff training** will be an important part of UNCRC Implementation. This must include giving leaders and managers the information and tools they need to be able to make the changes necessary in their own areas. The Improvement Service is looking at what they can contribute to this need but it is likely that most of this will have to be provided locally. A budget for this will be necessary. Creating E-Learning provision on LEON and other platforms might be a partial answer to the need to offer at least awareness raising to all Council staff. There is currently one e-learning module on LEON that explains the UNCRC and its relationship to child poverty.
- It will be important to ensure that **Equality Impact Assessments** are carried out for all policies and plans. Currently Argyll and Bute does not have an Integrated Impact Assessment; this is a concern. It will be important that those using our current EQSEIA provide ample evidence of having considered impacts on children and that they can demonstrate engagement and coproduction in their planning. There are child rights impact assessment (CRIA) and child rights impact evaluation (CRIE); if we decide not to use these in preference to the use of our EQSEIA we must ensure that there is a similar level of evidence, engagement and coproduction involved. If an

Equality Impact Assessment is not completed there must be a clear statement as to why it has been considered unnecessary.

It will be necessary to ensure that all impact assessments are published along with the proposed policy or plan so as to be accessible to children, young people and their representatives. As information must be accessible to children and young people, it is likely that in most, if not all cases, child friendly versions of the policy, plan and its accompanying Equality Impact Assessment must be produced and also published.

- The UNCRC Implementation Group will produce an **Action Plan** to take forward the necessary changes and highlight opportunities, challenges and risks. It should be noted that membership of this group will need to grow to include managers from areas that do not traditionally work with children.
- **Pace of change** must be fairly fast as the act is likely to be passed into law in the next few months and implementation will be expected in the 6 months following that. In addition the reporting duty laid out in the Children and Young People (Scotland) Act 2014 means that a local Children's Rights Report will be required by the end of April this year, to cover the period 2023 – 2026.
- An important factor in creating both our Action Plan and Child Poverty Action Report will be the need for **engagement and co-production** with children and young people. Co-production is at the heart of the UNCRC and its implementation and there are key questions that Council leaders and service heads must ask themselves. There are already real problems evident in the need to involve children and young people in co-production in so many different areas (the production of all strategic and department plans, proposed significant changes in services and ways of working etc.). Currently co-production is actively sought by services such as: education, child poverty, employability, young carers, CPP, youth work, health, social care and many more. This will increase considerably when the UNCRC is implemented and all service areas must do the same.

Points to Consider:

- Argyll and Bute demographically has a relatively small number of children and young people; smaller still those who are willing to engage in co-production.
- Issues relating to the rurality of many of our children and young people is a complication, making face to face, joined up discussions more problematic. This is compounded with digital factors such as device availability and poor Wi-Fi reception.
- There are risks that we do not involve more marginalised groups in co-production; LBTQI+, those with disability, ethnic minority groups, gypsy

travellers etc. Is there the manpower and resources to ensure this is not the case?

- The Improvement Service and Scottish Government have said that, if the matter is one that may impact upon them, far younger children than previously considered could be involved and their views should be sought, this would include children in nursery schools.
- Co-production with children, young people and other key stakeholders requires a budget. It is necessary to compensate people for their time and offer a small reward as an incentive. It is not bribery it is showing that they are valued and respected; workers they are co-producing with are being paid and it should be acknowledged that their time and effort also has value. This can take the form of offering a snack if the engagement is face to face; small payments or vouchers.
- There is a risk of the same children and young people being repeated asked to engage in co-production and give their views. Many are already opting out and refusing to do more because of this factor. The demand for children and young people to engage in co-production will become significantly higher in the coming year. There is a significant risk that the Council and other bodies will be unable to carry out the co-production required by the Scottish Government.

Conclusion:

During the course of 2023 work will be taken across the Council to embed the UNCRC and demonstrate how children's rights are being respected. This will require top down, joined up working that sees everyone becoming children's rights aware and understanding their place in that and the ways in which their departments achieve this. Support and advice is available from the Improvement Service and the Scottish Government.

Notes:

What are CRIA and CRIE?

A child rights focused impact process supports the systematic assessment and communication of the impact of a proposal or measure on the rights, needs and interests of children. The process is meant to be continuous, from assessment of **anticipated impact** (CRIA) through to a review and evaluation of **actual impact** (CRIE).

Child rights impact assessment (CRIA) examines the potential impacts on children and young people of laws, policies, budget decisions, programmes and services as they are being developed and, if necessary, suggests ways to avoid or mitigate any negative impacts. This is done *prior* to the decision or action being set in place.

Child rights impact evaluation (CRIE) provides an opportunity to consider the intended or unintended effect legislative changes, budget decisions, policies, programmes or services have had on children and young people's rights. Where necessary, the CRIE can propose what changes would be needed to ensure the measure respects children's rights and complies with the UNCRC. This is done *after* a decision has been made or an action has been taken.

<https://www.cypcs.org.uk/resources/listen-engage-have-fun/>

Children's Rights and the UNCRC in Scotland: An Introduction

Scot Gov., November 2021

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2021/11/implementing-united-nations-convention-rights-child-introductory-guidance/documents/childrens-rights-uncrc-scotland-introduction/childrens-rights-uncrc-scotland-introduction/govscot%3Adocument/childrens-rights-uncrc-scotland-introduction.pdf>

Getting Ready for UNCRC Incorporation Framework: A Practical Resource for Local Authorities in Scotland to prepare for UNCRC Incorporation

Supporting Children's Rights, autumn 2022

File appended

Argyll and Bute Children's Rights Report 2020

File appended

UNCRC Implementation: UNCRC Programme Update Programme Update January 2023

File appended