

Integration Joint Board

Date of Meeting: 3 August 2023

Title of Report: Update Report on the Implementation of the United Nations Convention on the Rights of the Child (UNCRC)

Presented by: David Gibson

The board is asked to:

- Note progress on the Implementation of the UNCRC

1. EXECUTIVE SUMMARY

The Children and Young people (Scotland Act) incorporates a duty on Integration Joint Board where children's services are delegated. Supporting guidance on this duty can be found below:

Children and Young People (Scotland) Act 2014: Guidance on Part 1: Duties of Public Authorities in Relation to the United Nations Convention on the Rights of the Child (UNCRC) (www.gov.scot)

Defined as: "An integration joint board to which functions in relation to persons under 18 years of age are delegated in pursuance of an integration scheme prepared under section 1 or 2 of the Public Bodies (Joint Working) (Scotland) Act 2014. [inserted by The Public Bodies (Joint Working)(Scotland) Act 2014 (Consequential Modifications and Saving Order 2015 (SSI 2015/157)]"

The incorporation of the UN Convention on the Rights of the Child (UNCRC or Convention) into Scots law extends the duty and to ensure this is embedded within the strategic approach of the Integration Joint Board work is underway to ensure it is in adherence.

2. INTRODUCTION

The Scottish Government fully committed to incorporate the UN Convention on the Rights of the Child (UNCRC or Convention) into Scots law. This commitment was met partially in 2021 when the Scottish Parliament unanimously passed the UNCRC (Incorporation) (Scotland) Bill (Incorporation Bill). The Bill is being reviewed in light of the ruling from the United Kingdom Supreme Court that it must adhere to the Scottish Government's devolved competencies to become binding Scottish legislation.

There are a number of elements of the bill that are important for local authorities to be aware of and act on:

- Public authorities will not be allowed to act in a way which is incompatible with the UNCRC requirements.
- Children, young people, and their representatives will have the power to go to court to enforce their rights.
- Courts will have powers to decide if legislation is compatible with the UNCRC requirements.
- Existing legislation will have to be read in a way which is compatible with the UNCRC requirements wherever possible.
- The Children and Young People's Commissioner Scotland and Scottish Human Rights Commission will have powers to take legal action to protect children's rights.
- Local authorities and others listed in the Bill will have to report every three years on what they are doing to meet the UNCRC requirements.

In order to assist local authorities in meeting these obligations, the Scottish Government and Improvement Service have provided a Framework for Implementation that sets out the areas that require to be addressed.

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

Nationally the Scottish Government is intending to pass this bill into law in 2023; this means that Royal Assent is expected by mid-2024 and for it to be fully in force within 6 months of this.

Locally a UNCRC Implementation group, led by Brian Reid, has been meeting to look at developing a local plan and actions. The group is multiagency in membership and includes Social Care, Health, Education, Community Justice, third sector and Council Performance and Improvement Services. The group will report to the Argyll and Bute PQ&A Group and the Community Planning Partnership; members will also report to their own organisations management and governing bodies.

Going forward it is likely that this group will need to expand to include other departments that are not traditionally child and young people facing. Children's rights and UNCRC Implementation need to be seen as a Council wide responsibility and all departments will be required to encompass child friendly complaints procedures, providing child friendly documents and information and children's rights budgeting. Current plans and strategies will require to be reviewed to ensure that they are rights respecting.

It is likely that work will require to be carried out by departments to consider how far these take into account minority or vulnerable groups of children and young people who are at greater risk of having their right unmet rather than simply consider children and young people as a homogenous group.

Use of Equality Impact Assessments will be important here and there needs to be greater clarity on what model will be used as we currently have our own EQSEIA and there is also a CRWIA (Child Rights and Wellbeing Impact Assessment). Work is going on with regards to making changes to the EQSEIA an including the key elements of the CRWIA within it.

[Child Rights and Wellbeing Impact Assessment \(CRWIA\): External Guidance \(www.gov.scot\)](http://www.gov.scot)

3. DETAIL OF REPORT

The Child Friendly Cities and Communities Programme at UNICEF (UK) have translated the UNCRC into practice by guiding the user through seven principles. It places children and young people at the centre of policy development and design, delivery and evaluation of services and has been proven to lead to better outcomes.

A child rights-based approach is made up of seven principles. They offer guidance by describing the quality of care and provision that each child should experience when using services that are grounded in children's rights.

- Dignity - Each child is a unique person with intrinsic worth and should be respected and valued in all circumstances.
- Best interests of the child - Determining and doing what is best for a child, with that child, at that time and in that situation.
- Non-discrimination - Each child is treated fairly and protected from discrimination.
- Life, survival and development - Each child is able to develop, thrive, achieve and flourish.
- Participation - Each child is heard in matters affecting them and participates in the lives of their family, community and wider society.
- Interdependence and indivisibility - Each child enjoys all rights enshrined in the UNCRC, whatever the circumstances.
- Transparency and accountability - Dependable, open and accountable relationships and dialogue between Local Government, communities,

families and children and young people is essential in the collective goal of securing children's rights

Local Plans and Actions:

Awareness

Brian Reid, Sharon Erskine and Rebecca Spillane (Improvement Service) to give a presentation to Senior Managers, Heads of Service, key partners and elected members. This will set out the scope of UNCRC Implementation and the changes and developments required to take place in Argyll and Bute. Heads of Service will be asked to cascade information to staff and to put people forward for training events that will be taking place on issues such as: UNCRC Awareness, Writing Child Friendly Document, Implementing Child Friendly Complaints Procedures and Children's Rights Budgeting.

Coproduction and Engagement

Work will be carried out with children and young people to ensure that they are involved with planning and decision making going forward. This is likely to involve the Youth Voice Group, Young Carers and School Students. Coproduction has already taken place with regards to a bid to the UNCRC Innovations Fund; this involved school students, young carers and several youth groups.

Child Friendly Complaints Procedure

A model for this is currently being piloted and work will be required to consider its implementation locally and how it will integrate with existing complaints procedures.

Development of an Awards Scheme for teams and departments undertaking Children's Rights actions / changes. This will look at aligning with implementation framework tasks and key areas of the Children and Young People's Service Plan. The UNCRC Implementation Group has put in a bid to the UNCRC Innovations Fund for £53,000 to cover:

- A series of events Argyll and Bute wide that will engage children and young people and introduce them to their rights and to how the Council and their key partners work. How do they think that coproduction and the delivery of coproduction, child friendly information / complaints procedure can be achieved?
- A group of children, young people and staff will work on devising and delivering an Awards Scheme for staff / departments engaged in the roll out of the UNCRC.

Training

A number of training areas have been identified that will be necessary for staff bringing these changes forward. These will include:

- UNCRC Awareness,

- Writing Child Friendly Document,
- Implementing Child Friendly Complaints Procedures,
- Children’s Rights Budgeting.

Some of these will be developed in house but the Improvement Service are also developing training modules and toolkits for staff and these will be shared and presented locally. The Improvement Service is indicating their “Skills and Knowledge Framework” and related training tools, will be by March 2024.

Information and Communications

A website is being set up that will be accessible to staff and others and will include information and updates as well as presentations and key documents. Heads of Service will be asked to make their staff aware of this and ask them to access it. A Communications Plan will be developed to include this and other work.

E-Learning on LEON will be addressed. A module was placed on LEON some months ago which has been of value but now requires to be updated.

Reporting

Councils and Health Boards are required to produce a Children’s Rights Report every 3 years. Argyll and Bute’s current report will be updated this year. Whilst this report does not require to be shared with the Scottish Government, it does require to be published and will therefore require approval from the IJB.

4. RELEVANT DATA AND INDICATORS

The Council and Health Board have a joint responsibility to produce an updated Children’s Rights Report this year, as soon as is possible after 1st of April. This was delayed due to the need to develop a UNCRC Implementation plan and to engage / coproduce and place a bid with the UNCRC Innovations Fund. A plan will be produced by the end of September and will require approval by the IJB.

5. CONTRIBUTION TO STRATEGIC PRIORITIES

This review notes contribution to the Scottish Governments national priorities and the Argyll and Bute Outcome Improvement Plan. Children’s Rights should become a part of all future strategic planning.

Following awareness raising and training, the key changes will have to be made by all departments. Responsibility for development and monitoring will, in the first instance be with the relevant Heads of Department. Oversight will be by the IJB and other bodies, depending on the department and the issue. For example HR would be involved in supporting, monitoring and ensuring a child friendly complaints procedure.

Other areas have asked departments to develop their own Children’s Charters and this might be a good idea for Argyll and Bute.

6. GOVERNANCE IMPLICATIONS

- 6.1 **Financial Impact** – Financial impact is uncertain at this point. We do not know if we will be successful with our UNCRC Innovations Fund bid. In addition we don't yet know the detail of what will be provided in terms of training resources via the Improvement Service and their "Skills and Knowledge Framework". It is likely that there will be costs attached to achieving the necessary levels of coproduction by the Council going forward.
- 6.2 **Staff Governance – Training** will be necessary in a number of areas including: UNCRC / Children's Rights Awareness Raising; Child Friendly Complaints Procedures; Providing Child Friendly Information and Coproduction and Engagement with Children and Young People. An Information and Training website is being set up for staff and Managers and there will be linked content on LEON.
- 6.3 **Clinical and Care Governance – Regulation and Quality Assurance** measures have not yet been made clear by the Scottish Government. However it is clear that compliance will be expected with the "Getting Ready for UNCRC Incorporation Framework; A Practical Resource for Local Authorities in Scotland to prepare for UNCRC Incorporation". Equality Impact Assessments are going to be an important part of both the process and evidencing that the Council is compliant and has consulted with children and young people appropriately. Hence it will be important to reach decisions on the CRWIA's are aligned / integrated with our existing EQSEIA's.

7. PROFESSIONAL ADVISORY

"The UNCRC is at the heart of the Government's commitment to ensuring that all children and young people have the best possible start in life, regardless of their circumstances. As duty bearers under the UNCRC, public authorities are expected to do all they can to implement the Convention and uphold children's rights."

8. EQUALITY & DIVERSITY IMPLICATIONS

Advisory is available in supporting a Children's Rights and Wellbeing Impact assessment.

[Child Rights and Wellbeing Impact Assessment \(CRWIA\): External Guidance \(www.gov.scot\)](http://www.gov.scot)

9. GENERAL DATA PROTECTION PRINCIPLES COMPLIANCE

When implementing the UNCRC, consultation and coproduction with a wide range of children, young people and their representatives will be necessary. Ensuring that GDPR principles are complied with will be important.

10. RISK ASSESSMENT

Risks relating to the implementation of the UNCRC include:

- Not making our staff group sufficiently aware of their duties in terms of children's rights. Children and young people will have the ability to make complaint or take matters to court if they do not feel they have been listened to and their rights respected.

- Managers and staff in all departments will need to be able to engage and coproduce with children and young people and to demonstrate that they have taken their views and needs into consideration when developing new strategies, plans etc. This makes it very important they take the time and have the skills, to evidence this in EQSIA'S.
- Complaints procedures will require to be child friendly; the Improvement Service is piloting one currently. This and the need to ensure that new information, strategies, plans etc. are child friendly or have child friendly versions, may make such processes take longer and place additional developmental needs on certain staff.
- Children's rights budgeting will need to be considered by Council leaders and Senior Managers.
- Failure to train and inform staff and make the necessary changes to our practice, within the given timescales, may leave us unable to become compliant with the new act in 2024.

11. PUBLIC & USER INVOLVEMENT & ENGAGEMENT

Working with children and young people on understanding their rights has been going on for some time in Schools, youth groups, young carer's centres and other venues. This has been accompanied with sharing information both with them and with staff. There are resources relating to children's rights on LEON and TURAS. There has also been a range of engagements and coproduction's on key strategy documents such as the Children and Young People's Service Plan and the ABOIP. Moving forward it will be important to not only coproduce with young people but to develop a Communications Plan that provides information to children, young people, staff and the public as the Council works to achieve compliance with key areas.

12. CONCLUSIONS

Implementation of the UNCRC will require a number of operational changes and ensuring that staff receive the information and training to make these happen. As important are the changes necessary in how the Council engages with children and young people and considers them as decision making partners.

It will be important that key implementation areas are monitored and targets are set. Timescales are not entirely clear as the Scottish Government as yet to take the implementation process to its conclusion; however it is highly likely that this happen this year; timescales will then be set for local implementation of its various elements.

13. DIRECTIONS

Directions required to Council, NHS Board or both.	Directions to:	tick
	No Directions required	x
	Argyll & Bute Council	
	NHS Highland Health Board	
	Argyll & Bute Council and NHS Highland Health Board	

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