

Progressing Children's Rights in Scotland: An Action Plan 2018-21

Consultation

June 2018

Contents

| | Page |
|--|-----------|
| 1. Introduction | 2 |
| 2. Proposed Content of Report | 4 |
| 3. Proposed Content of Action Plan | 4 |
| 4. Strategic and Specific Actions..... | 6 |
| Annex A: Mainstreaming of Children’s Rights..... | 11 |
| Annex B: Engagement with Children and Young People..... | 15 |
| Appendix I Responding to this Consultation | 18 |
| Appendix II Respondent Information Form | 20 |
| Appendix III Summary of Consultation Questions | 21 |

1. Introduction

1.1 The Scottish Ministers' aim is for Scotland to be the best place to grow up, be educated and to bring up children and young people. Underpinning this ambition is our firm commitment to respecting, protecting and fulfilling the rights of all of our children and young people. Our approach to children's rights is central to our wider ambition to ensure dignity, equality and human rights for all. Children's rights have informed the development and organisation of the current Year of Young People 2018, a global first. We are determined that the legacy of this Year continues into the future.

1.2 This consultation focuses on the content and format of the Action Plan that the Scottish Ministers are required to lay before the Scottish Parliament, setting out their plans for taking forward children's rights in line with provisions in Part 1, s.1(4)(c) of the Children and Young People (Scotland) Act 2014 (2014 Act). The intention is to lay the Action Plan before Parliament later this year, following appropriate consultation and engagement activity, with children and young people and others.

Children's Rights in Scotland

1.3 The United Nations Convention on the Rights of the Child (UNCRC) sets out the civil, political, economic, social and cultural rights to which all children are entitled, regardless of their circumstances or background. The UK Government ratified the UNCRC in 1991. Arrangements for taking forward the Convention and the children's rights agenda within the UK (the signatory state Party) reflect the separate constitutional responsibilities of constituent administrations. The Scottish Ministers, therefore, have responsibilities for the progression of children's rights in Scotland with reference to devolved public services and legislation, including in relation to education, health, childcare, housing, etc.

1.4 The UN Committee on the Rights of the Child undertakes regular reviews of how state parties, including the UK, are meeting their obligations with respect to the UNCRC. As part of this process, state parties are required to report to the UN Committee approximately every 5 years on their progress in taking forward children's rights. The Concluding Observations following from the Committee's most recent review of the UK state party, including Scotland, were published in final form in July 2016¹.

¹ [CRC/C/GBR/CO/5](https://www.unhcr.org/refugees/crc/c/GBR/CO/5)

Part 1 of the Children and Young People (Scotland) Act 2014

Duties on Scottish Ministers in relation to the rights of children

1.5 In addition to the required reporting to the UN Committee on the Rights of the Child, section 1(1) of 2014 Act places duties on Scottish Ministers to:

- “keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements”; and, if appropriate,
- “take any of the steps identified by that consideration”.

1.6 The Act further specifies that, in complying with these duties, the Scottish Ministers must “take such account as they consider appropriate of any relevant views of children of which the Scottish Ministers are aware” (s.1(2)). Ministers are also required to promote public awareness and understanding of the rights of the child, including amongst children (s.1(3)).

1.7 In support of these duties, the Scottish Ministers introduced a Child Rights and Wellbeing Impact Assessment (CRWIA), which ensures that all Scottish Government portfolios consider how proposed new policies and legislation might impact on the rights and wellbeing of children and young people. The need to seek the views of children and young people is a key requirement of the CRWIA.

Duty to Report to the Scottish Parliament on Children’s Rights

1.8 In accordance with s.1(4) (a-c) of the 2014 Act, the Scottish Ministers must report to Parliament every 3 years on the “steps they have taken in that period to secure better or further effect in Scotland of the UNCRC requirements” and to promote public awareness and understanding of the rights of the child. Ministers must also set out their plans until the end of the next 3 year period.

1.9 It is proposed that this reporting requirement will be separated into a **Report** on the actions taken by Ministers to secure better or further effect of the UNCRC and to promote public awareness and understanding of children’s rights since the Part 1 duties first commenced in 2015. A separate **Action Plan** will set out key activities that will be taken forward from June 2018 until June 2021.

Engagement with Children and Young People in preparing the Action Plan

1.10 Section 1(5) of the 2014 Act requires Ministers to take such steps as they consider appropriate to obtain the views of children and young people on their 3 year plans for taking forward children’s rights.

1.11 **Annex B** sets out the engagement with children and young people that has taken place to date. There will be further opportunities over the coming months for more children and young people, including younger children, to contribute. The development of the Action Plan will also draw on other available sources of information about the current views and interests of children and young people across Scotland.

2. Proposed Content of Report – 2015-18

2.1 As required under Part 1 of the 2014 Act, the 3 year Report will set out the steps taken by Scottish Ministers during the 3 year period from June 2015, when the duties were first commenced, until June 2018 to:

- secure better or further effect in Scotland of the UNCRC requirements; and
- promote public awareness and understanding of the rights of children, including among children and young people.

2.2 The Report, which will be organised under the ‘cluster groupings’ used in reporting to the UN Committee, will include actions taken across all portfolios to progress children’s rights. It will also report on the steps taken by Scottish Ministers to respond to the UN Committee on the Rights of the Child’s Concluding Observations, following the previous review of the UK State party in May 2016, and the recommendations made by other UN treaty monitoring bodies, as appropriate. As a Scottish Government Report reflecting policy developments in relation to children’s rights over the period 2015-18, the content is not subject to this consultation.

3. Proposed Content of Action Plan

3.1 In line with s.1(4)(c) of the 2014 Act, the Action Plan will cover Scottish Ministers’ plans for taking forward children’s rights from 15 June 2018 until June 2021. As with the Report, the Action Plan will also be organised around the ‘cluster groupings’ used in reporting to the UN Committee.

Proposed Strategic Actions to Further Promote and Embed Children’s Rights

3.2 The Scottish Ministers’ aim in taking forward their first Action Plan under Part 1 of the 2014 Act is to deliver transformational change in how children and young people experience their rights. It is proposed, therefore, that the Action Plan 2018-2021 will be a key vehicle for delivering a number of wider, strategic actions intended to support the taking forward of the UNCRC principles. These strategic actions will aim to further promote and embed children’s rights across Scottish Government portfolios and beyond.

3.3 This consultation document seeks views on the inclusion of the following strategic actions within the Action Plan:

- the development of a dynamic **Participation Framework** for Children and Young People, building on the legacy of the 2018 Year of Young People;
- the ambitious delivery, through co-production, of the 3 year **children's rights awareness programme** announced in the 2017-18 Programme for Government, which will seek to raise awareness of children's rights across all sectors of society;
- progressing the **children's rights audit** on the most effective and practical ways to further embed the principles of the UNCRC into policy, practice and legislation, including the option of full incorporation into domestic law, also announced in the 2017-18 Programme for Government; and
- evaluation of the **Child Rights and Wellbeing Impact Assessment (CRWIA)**.

These will be discussed in more detail at Section 4 below.

Specific Actions Relevant to Securing Better or Further Effect of the UNCRC Requirements

3.4 Responsibilities for taking forward children's rights are mainstreamed across all portfolios within the Scottish Government. The principles of the UNCRC are, therefore, already taken into account in the development of relevant Scottish Government policies, strategic frameworks, action plans and other key documents. This includes, for example, A Fairer Scotland for All: Race Equality Action Plan 2017-21; Equally Safe – A Delivery Plan for Scotland's Strategy to Prevent Violence against Women and Girls (2017); Every Child, Every Chance – The Tackling Child Poverty Delivery Plan 2018-22; the 2018 National Improvement Framework and Improvement Plan for Scottish Education; etc. Further examples of these documents and initiatives are attached in **Annex A**.

3.5 It is not proposed that the Action Plan will duplicate all of the actions being taken forward in the documents referred to above. Rather, to fully capture and represent all that Scottish Ministers intend to achieve in relation to the rights of the child between 2018 and 2021, it is suggested that the Action Plan should include a non-exhaustive list of these wider policy specific initiatives and highlight a number of key actions from these, particularly those most relevant to taking forward the UN Committee on the Rights of the Child's Concluding Observations. This is consistent with the mainstreaming of rights across Scottish Government.

3.6 In addition to this, it is proposed that, where appropriate, the Action Plan will also include a number of policy specific actions that have been identified through the consultation process and which are not currently

provided for within the initiatives mentioned above. **Section 4** of this document seeks your views on what other specific actions you consider should be included within the Action Plan. As far as practicable, identified actions in the Plan will be specific, measurable and timed.

3.7 The following question seeks your views on the proposed high level content of the Action Plan. Subsequent questions seek your views on specific actions for inclusion in the Plan.

Question 1 – High Level Contents of the Action Plan

Do you agree that the Action Plan should include:

- i. Identified strategic actions intended to secure transformational change in how children and young people experience their rights. Yes/No**
- ii. A summary of specific initiatives being taken forward across all Scottish Government portfolios that captures what we will do in the next 3 years to secure better or further effect of the UNCRC principles. Yes/No**
- iii. A number of key policy specific actions identified through the consultation process that are not currently being taken forward through other Scottish Government initiatives. Yes/No**

Where you answered ‘No’ to any of the above questions – please provide your reasons why you did not agree.

4. Strategic and Specific Actions

4.1 This consultation seeks views on a number of strategic actions that we think can collectively deliver transformational change in how children and young people experience their rights. Each of the proposed strategic actions are set out in detail below.

Strategic Participation Framework

4.2 It is proposed that a key action within the Action Plan would be the commitment to scope out, in consultation with children and young people and relevant partners, the development of a strategic framework to better support the participation of children and young people at national and local levels.

4.3 We are currently developing a more coordinated, systematic and sustainable approach to engaging with children and young people at national and local levels, with our focus to date on developing this approach at national level. Examples include:

- Our annual Cabinet meeting with children and young people, which has now taken place twice in 2017 and 2018, and is the only meeting of its kind to take place in the UK. Actions are collectively agreed at the meeting by children, young people and Cabinet members and are then taken forward by the Scottish Government over the coming year and reported on prior to the next meeting. This meeting demonstrates our real commitment to ensuring that children and young people's voices are listened to and taken seriously at the highest level in government.
- We work closely with national youth information and citizenship organisations to help children and young people to participate in and influence local and national activities and decisions. Through these organisations, children and young people have given us their views on a wide range of topics - including the age of criminal responsibility, mental health, STEM strategy and child poverty.
- We are raising awareness across the Scottish Government of the importance of engaging with children and young people during policy and Bill development. One example is our Children and Young People Community of Interest, whose aim is to join up work across the Scottish Government so that we deliver ambitious, coordinated policy for children and young people, which meets two to three times a year to discuss topical issues.

4.4 However, we recognise that more could be done. We want to make sure that: participation of children and young people becomes mainstreamed across Scotland, both at national and local levels, and includes more vulnerable groups and younger children as a matter of course; children and young people's views are heard on issues of national significance, such as Brexit; local areas are given more support to engage with children and young people when making local decisions that affect them; and that children and young people are empowered so that they can confidently express their views as Human Rights Defenders.

4.5 We believe that the time is right for us to start to develop a strategic participation framework during the Year of Young People (YoYP). We have this incredible opportunity to strengthen the voices of children and young people even further and make sure that they can significantly influence public services and decisions which affect their lives.

4.6 Initial thinking is that the proposed framework would include:

- utilisation of digital methods and platforms to support wider engagement with children and young people in an efficient and effective manner;
- a system to match demand for participation to capacity, with the aim of taking a more strategic Scottish Government approach to participation;
- a central resource to enable Scottish Government business areas to engage with children and young people on policy and legislation and increase the capacity of the third sector to undertake this work;
- an evidence base of existing research and new learning about best practice in participation.

4.7 Another key aim of the framework over the 3 year period will be to ensure the participation of children and young people in decisions associated with the UK's withdrawal from membership of the EU, given the long-term implications of Brexit, especially for young people.

4.8 Feedback received to date from children and young people demonstrates strong support for measures which can further promote the participation of children and young people, particularly the most vulnerable, in the decisions that affect them.

Raising Awareness of Children's Rights

4.9 Fundamental to embedding children's rights fully within Scottish society, is a Scotland wide knowledge and understanding of children's rights and how to act on them. Under s.1(3) of the 2014 Act, Scottish Ministers have a duty to promote public awareness and understanding of the rights of the child, including among children and young people themselves. A range of specific actions to raise awareness of children's rights, and wider human rights, has been taken forward since the duties first commenced in 2015, including through activities as part of the 2018 Year of Young People.

4.10 In addition, the Programme for Government 2017-18, "A Nation with Ambition", includes the commitment to take forward a three-year programme to raise awareness of children's rights, including among children and young people. The Scottish Government is aware that the effective delivery of this commitment will require Ministers and key stakeholders, including public bodies, civil society and children and young people themselves, to work together collectively and in partnership. For this reason, we intend to shape, plan and implement a programme of activity with partners using a model of co-production.

4.11 Subject to discussions with partners, we expect that the programme will target all duty bearers under the UNCRC, including local authorities, relevant public bodies, and professionals delivering key services for children and young people. The programme will also seek to raise awareness of the Convention and the rights of children amongst parents and carers and children and young people themselves. A partnership approach will also be taken to planning the programme, implementation and evaluation

4.12 Feedback from children and young people has demonstrated considerable support for the development of a comprehensive programme for raising awareness of the rights of the child across all sectors of Scottish society and has stressed the important contribution that this would make towards the ongoing development of a rights-based culture across Scotland.

Embedding the UNCRC

4.13 The Programme for Government 2017-18, included the commitment to undertake a comprehensive audit on the most effective and practical way to further embed the principles of the UNCRC into policy, practice and legislation, including the option of full incorporation into domestic law.

4.14 The audit is now underway and will look across legislative and delivery issues relevant to children's rights and the principles underpinning the UNCRC. Work around the audit will seek to include the views of children and young people.

4.15 The audit, and the findings of this exercise, will be the key focus of Scottish Government activity in considering how the rights of the child might be taken forward over the next 3 year period. The audit team will liaise with the First Minister's Advisory Group on Human Rights Leadership² on matters of mutual interest.

Evaluation of the Child Rights and Wellbeing Impact Assessment (CRWIA)

4.16 Consistent with Ministers' commitment to mainstream responsibilities for children's rights, the Child Rights and Wellbeing Impact Assessment (CRWIA) was introduced in June 2015 to ensure that all areas of the Scottish Government consider the possible direct and indirect impacts of proposed policies and legislation on the rights and wellbeing of children and young people. The CRWIA, which was developed by a children's rights expert, in consultation with relevant stakeholders, is used across the Scottish Government as a key tool in the development of rights-based policy.³

4.17 Although not a statutory requirement, there is a clear Ministerial expectation that CRWIAs will be undertaken for all new policies and legislation, in line with the duty on Ministers to consider children's rights under Part 1 of the 2014 Act.

4.18 Guidance on the CRWIA approach has also been published for use by public authorities (and other organisations) when developing and refreshing local policies and procedures, should they wish to use this resource.

4.19 Given the important contribution of the CRWIA in delivering Ministers' ambition to place children and young people at the centre of relevant policy decisions, it is proposed that an evaluation of the current CRWIA should be commenced by 2020, a full five years after its introduction.

² <https://beta.gov.scot/groups/first-ministers-advisory-group-on-human-rights-leadership/>.

³ CRWIAs published on the Scottish Government website can be accessed at: <https://beta.gov.scot/search/?q=crwia>

Specific Actions Relevant to Securing Better or Further Effect of the UNCRC Requirements

4.20 As discussed above, responsibilities for children's rights are mainstreamed across all areas of the Scottish Government, with actions for progressing the UNCRC included within a number of Scottish Government action plans, frameworks and other key documents, many of which have their own arrangements for monitoring progress and delivery of specific actions and commitments.

4.21 It is not proposed that the Action Plan should duplicate all of the actions being taken forward currently via these wider initiatives. However, we would welcome views on any specific actions, not currently included in these documents, which you consider should also be included within the Action Plan.

Proposed Strategic Actions

Question 2: Do you agree that the 4 proposed strategic actions are appropriate and will help to take forward the principles of the UNCRC?:

- i. Development of a dynamic Participation Framework for Children and Young People. Yes/No**
- ii. Ambitious delivery, through co-production, of the 3 year children's rights awareness programme. Yes/No**
- iii. Progressing the comprehensive audit on the most effective and practical way to further embed the principles of the UNCRC into policy, practice and legislation, including the option of full incorporation into domestic law. Yes/No**
- iv. Evaluation of the Child Rights and Wellbeing Impact Assessment (CRWIA). Yes/No**

Question 3: Are there ways in which the proposed strategic actions listed above could be further strengthened? – please specify.

Question 4: Are there additional or alternative strategic actions that the Scottish Ministers should consider? – please specify.

Question 5: Are there any specific actions – not currently being progressed within a wider Scottish Government action plan, framework or other initiative, - that should be considered for inclusion within the Action Plan?

ANNEX A

Mainstreaming of Children's Rights – Examples of Key Initiatives Taking Forward Children's Rights

1. Responsibility for taking forward children's rights is mainstreamed across all portfolios within the Scottish Government. The principles of the UNCRC are, therefore, already taken into account in the development of relevant Scottish Government policies, strategic frameworks, action plans and other key documents, covering all areas relating to the health and wellbeing of children and families.
2. It is not proposed that the Action Plan will duplicate all of the actions being taken forward in these other Scottish Government initiatives. Rather, to fully capture and represent all that Scottish Ministers intend to achieve in relation to the rights of the child between 2018 and 2021, we suggest that the Action Plan includes a non-exhaustive list of these strategic documents. A number of these are included below. This is not a comprehensive list but provides an illustration of the wide range of initiatives and activity being taken forward:
 - [Child Protection Improvement Programme Report and Child Protection Systems Review Report Recommendations \(2017\)](#)
The Child Protection Improvement Programme report sets out 35 Actions covering children's hearings; leadership and workforce development; inspections of children's services; neglect; data and evidence; child sexual exploitation; child internet safety; and trafficking. The Systems Review report makes 12 recommendations, covering Initial and Significant Case Reviews, Child Protection Committees, the Child Protection Register, and matters of leadership, governance and accountability. Progress is being monitored through the National Child Protection Leadership Group, chaired by the Minister for Childcare and Early Years.
 - [National Action Plan on Internet Safety for Children and Young People \(2017\)](#)
The Action Plan sets out specific actions under three broad aims – giving everybody the skills, knowledge and understanding to help children and young people stay safe online; inspiring safe and responsible use and behaviour online; and creating a safer online environment. A progress report will be published in 2019.
 - [A Fairer Scotland for All: Race Equality Action Plan 2017-21 \(2017\)](#)
The Race Equality Action Plan outlines actions being taken over the course of the Parliament to make real improvements in the lives and experiences of minority ethnic communities in Scotland as part of the 15 year Race Equality Framework. The Plan seeks to advance race equality, tackle racism and address the barriers that prevent people from minority ethnic communities from realising their potential. A progress report will be published in 2021. A Programme Board has been established to oversee the implementation of the Action Plan, with membership drawn from senior levels across the Scottish Government.

- [Equally Safe - A Delivery Plan for Scotland's Strategy to Prevent Violence Against Women and Girls \(2017\)](#)**

The Delivery Plan sets out the actions the Scottish Government, COSLA and partners will take to prevent and ultimately eradicate all forms of violence against women and girls (VAWG), including the impact for children and young people. The Delivery Plan includes a range of actions relevant to children and young people, including prevention within schools and ensuring more effective, trauma-informed support for children and young people affected by VAWG. Progress on the specific actions in the delivery plan will be reported annually.
- [Every Child, Every Chance - The Tackling Child Poverty Delivery Plan 2018-22 \(2018\)](#)**

The Delivery Plan, backed by a range of investment, including the £50 million Tackling Child Poverty Fund, sets out the action we will take to make progress towards Scotland's ambitious child poverty targets, set for 2030. Its actions are organised in two ways: actions to make progress on the three main drivers of child poverty (income from work and earnings; costs of living; income from social security); and actions that take account of the need to help families in other ways, to improve their lives in the short term, and work closely with our partners to deliver our ambition. Annual Reports will be published on the progress being made against delivery of the actions within the Plan and against the targets set. The first progress report is due for publication in 2019.
- [Justice in Scotland: Vision and Priorities \(2017\)](#)**

The Vision and Priorities document, agreed jointly by the Scottish Government and key justice organisations, sets out collective priorities to ensure a just, safe and resilient Scotland, with established priorities for 2017 to 2020. The document focuses specifically on prevention and early intervention, drawing on the successful youth justice reforms and the Whole System Approach for young people at risk of offending. The Justice Vision and Priorities is accompanied by a [Delivery Plan](#) that sets out actions to help progress the priorities. This Plan will be updated annually with the first report on progress scheduled for September 2018.
- [Mental Health Strategy 2017-2027 \(2017\)](#)**

The Strategy sets out a central vision for Scotland where people can get the right help at the right time, expect recovery, and fully enjoy their rights, free from discrimination and stigma. It sets out 40 actions organised under 5 key headings: prevention and Early Intervention; access to Treatment and joined-up, accessible services; the physical wellbeing of people with mental health problems; rights, information use, and planning; and data and measurement. The plan includes a range of specific actions relevant to children and young people, including the commitment to develop a matrix of evidence-based interventions to improve the mental health and wellbeing of children and young people. A specific reporting process for the Strategy is in place and is being developed further.

- [**A Fairer Scotland for Disabled People: Our Delivery Plan to 2021 for the United Nations Convention on the Rights of Persons with Disabilities \(2016\)**](#)
The Delivery Plan has five long-term ambitions and 93 actions aimed at changing the lives of disabled people in Scotland and ensuring that their human rights are realised. The actions include a range of measures relevant to children and young people and supporting the families with disabled children and young people.
- [**2018 National Improvement Framework and Improvement Plan for Scottish Education \(2018\)**](#)
The National Improvement Framework and Improvement Plan document is designed to help deliver the twin aims of excellence and equity in education. It serves as the single, definitive plan for securing educational improvement through six key improvement drivers: school leadership; teacher professionalism; parental engagement; assessment of children's progress; school improvement; and performance information. Through the National Improvement Framework and the annual Evidence Report, we will build up a clear picture of progress across the key drivers and of overall progress towards our key priorities.
- [**Respect for All: National Approach to Anti-Bullying \(2017\)**](#)
Scotland's national approach to anti-bullying aims to build capacity, resilience and skills in children and young people to prevent and deal with bullying. The approach is underpinned by the values of fairness; respect; equality and inclusion. It includes an explicit commitment to addressing prejudice-based bullying. The report sets expectations for the recording and monitoring of bullying and anti-bullying activity.

Further Actions and Activity

3. In addition to the strategies and action plans listed above, a range of further activity is being taken forward that will have a positive effect on how children and young people experience their rights. This includes:
 - The development by the Scottish Government, along with key partners in the public and third sector, of a 10-year [**Child and Adolescent Health and Wellbeing Action Plan**](#), which will cover both physical and mental wellbeing.
 - Scottish Ministers' response to the report [**Rethinking Legal Aid, An Independent Strategic Review**](#), published in February 2018, setting out a 10 year vision for legal aid in Scotland. The report's recommendations are currently being analysed and discussions are ongoing with stakeholders such as the Law Society of Scotland, the Faculty of Advocates, the Scottish Legal Aid Board and others in the third sector to seek their views. Once this analysis is complete, a Scottish Government response will be issued. In conjunction, the Scottish Government is looking at children's legal aid with the aim of identifying possible improvements to the current system.
 - The current progress through Parliament of a Scottish Government bill to raise the Age of Criminal Responsibility in Scotland.

- Lord Bracadale's Independent Review of Hate Crime Legislation was published in May 2018. Ministers accept the report's recommendation to consolidate all Scottish hate crime legislation into one new hate crime statute. We will use the report and recommendations as the basis for consulting on the detail of what should be included in a new Hate Crime Bill.
- Scottish Ministers' support for John Finnie's proposal for legislation to remove a current defence for parents, guardians and other persons with charge or control over children and provide children and young people with equal protection from assault.
- The Scottish Government is running a consultation on the Review of Part 1 of the Children (Scotland) Act 1995 and creation of a Family Justice Modernisation Strategy. The consultation covers a wide range of issues that affect children including how best to obtain the views of the child in family cases, support for the child, the role of family members and how victims of domestic abuse can best be protected.

ANNEX B

Engagement With Children and Young People

1. Section 1(5) of the Children and Young People (Scotland) Act 2014 requires Ministers to take such steps as they consider appropriate to obtain the views of children and young people on their plans for taking forward children's rights under s.1(4)(c) of the Act.
2. The engagement with children and young people that has taken place to date is detailed below.

Engagement with Children and Young People

3. The following events provided an opportunity for children and young people to discuss how they are experiencing their rights currently and how this might inform future priorities and actions:

- **4 and 15 December 2017:** with the assistance of the Scottish Youth Parliament (SYP) and Together Scotland, the Minister for Childcare and Early Years met with groups of young people from a range of backgrounds, and the organisations that represent them, in Fife and Glasgow as follows:
 - Fife Gingerbread's Teen Parent Group
 - Youth 2 (LGBT Group)
 - Levenmouth Academy, Fife
 - The Coalition for Racial Equality and Rights
 - Centre for Youth and Criminal Justice
 - Clan Childlaw
 - Who Cares? Scotland

Each session was ably facilitated by a Member of the Scottish Youth Parliament.

- **6 March 2018** – The Scottish Cabinet, including the First Minister, Deputy First Minister and Cabinet Secretaries met with 14 Children and Young People aged 9 to 25, with representation from a range of vulnerable groups including care experienced children. This followed the inaugural meeting of children and young people with the Cabinet in 2017.⁴
- **18 April 2018** – At the request of the Scottish Government, SYP organised a Rights Review Event. This event was attended by 27 MSYPs, 3 Cabinet Secretaries, 5 Scottish Ministers and around 30 Scottish Government officials. The event involved the MSYPs presenting the views of their constituents (in total 4,190 consulted) on the issues that are important to them. The views of vulnerable children and young people were also presented

⁴ [Actions Agreed At The Cabinet Meeting With Children and Young People](https://beta.gov.scot/publications/second-annual-meeting-of-ministers-with-children-and-young-people/) (February 2017). Actions from the Cabinet meeting with children and young people in March 2018 can be accessed at: <https://beta.gov.scot/publications/second-annual-meeting-of-ministers-with-children-and-young-people/>.

including those of disabled children and young people, looked after children, LGBT young people, young carers, and young refugees. In addition, young people from Christian and other faith groups, and those from rural communities were also represented.

- A number of Children's Parliament events are scheduled to take place during the consultation period. These will allow Ministers to hear the views of younger children on the content of the Action Plan.
- There will be further opportunities during the consultation period for children and young people to inform the development of the Action Plan. This will include Scotland-wide distribution of the consultation, at a local level, via our Communic18 and YoYP Ambassadors networks. With over 400 young people across both programmes, we have a wide and varied reach. We will also ensure digital collaboration between the Scottish Government and our wide range of partners in the Third Sector. YoYP policy leads across the Scottish Government will also distribute the consultation via their relevant groups to ensure coverage is as wide as possible.

Other Sources of Information about the views of Children and Young People

- In addition, the views of children and young people reported in a number of recent resources have also informed the proposed strategic actions set out in Section 4 of this document and will also inform the finalised Action Plan. These resources include the following:
 - [Lead the Way](#), the Scottish Youth Parliament Manifesto 2016-2021, based on 72,744 responses from young people.
 - [I Witness: The Concluding Observation](#) (2018), Article 12 in Scotland's report, presenting the views of vulnerable children and young people on how the Scottish Government should take forward the UN Committee on the Rights of the Child's Concluding Observations.
 - [What Kind of Scotland? Children influencing Scotland's Future](#) (2017), a report compiled by the Children's Parliament on the kind of Scotland children want to live in.

Engagement undertaken in developing individual policies

- As discussed throughout this document, responsibility for taking forward children's rights is mainstreamed across all portfolios of the Scottish Government. The above engagement with children and young people is, therefore, in addition to that undertaken by officials in the development of individual policies and legislation, including as part of the CRWIA process. Examples of current or recent relevant consultations and engagement include:
 - Children's Parliament, ["The Weight on Our Shoulders" Consultation on the Child Poverty Bill and Delivery Plan](#) (February 2018), which informed the

development of [Every Child, Every Chance - The Tackling Child Poverty Delivery Plan 2018-22](#) (2018)

- [Creating a Fairer Future, Young People's ideas for race equality in Scotland](#) (November 2017)
- **Family Law** – A child friendly online questionnaire has been prepared as part of the current consultation on the Review of Children (Scotland) Act 1995 and Family Justice Modernisation Strategy. We have tested the questions in the child friendly version with a number of children and young people to ensure it is accessible.

We appreciate that completing a questionnaire may not be the preferred option for some children and young people. Therefore, we are working with stakeholders to arrange meetings with children and young people across Scotland. This includes a workshop at the Scottish Youth Parliament sitting on 9th June and meetings organised by the Children's Parliament and Scottish Women's Aid.

- Ongoing engagement with **disabled young people** through the Young Disabled People's Forum.
- **Age of Criminal Responsibility** - Alongside wider public consultation – engagement was undertaken with over 200 young people including those with contact with the justice system, either as perpetrators or victims. They expressed overwhelming support for proposals for raising the Age of Criminal Responsibility.
- **Mental health** – detailed engagement with children and young people informed the development of the Mental Health Strategy 2017-27.
- **Equally Safe** – the findings of a pilot participation project for children and young people with lived experience of gender based violence, which took place between March and October 2017, informed the development of the Equally Safe Delivery Plan.

RESPONDING TO THIS CONSULTATION

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work. You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Responding to this Consultation

We are inviting responses to this consultation by 26 September 2018. Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). You may access and respond to this consultation online at <https://consult.gov.scot/children-and-families/childrens-rights>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 26 September 2018. If you are unable to respond online, please send your response with a completed Respondent Information Form (see "Handling your Response" below) to:

Rights and Participation Team
Scottish Government
Area 2B South
Victoria Quay
Edinburgh, EH6 6QQ

Handling your response

If you respond using the consultation hub, Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form

included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly. All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to inform the decision making process. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to childrensrightsandparticipation@gov.scot

RESPONDENT INFORMATION FORM

Progressing Children’s Rights in Scotland: An Action Plan 2018-21

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation’s name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No

SUMMARY OF CONSULTATION QUESTIONS

1. Do you agree that the Action Plan should include:
 - i. Identified strategic actions intended to secure transformational change in how children and young people experience their rights. Yes/No
 - ii. A summary of specific initiatives being taken forward across all Scottish Government portfolios that captures what we will do in the next 3 years to secure better or further effect of the UNCRC principles. Yes/No
 - iii. A number of key policy specific actions identified through the consultation process that are not currently being taken forward through other Scottish Government initiatives. Yes/No

Where you answered 'No' to any of the above questions – please provide your reasons why you did not agree.

2. Do you agree that the 4 proposed strategic actions are appropriate and will help to take forward the principles of the UNCRC?
 - i. Development of a dynamic Participation Framework for Children and Young People. Yes/No
 - ii. Ambitious delivery, through co-production, of the 3 year children's rights awareness programme. Yes/No
 - iii. Progressing the comprehensive audit on the most effective and practical way to further embed the principles of the UNCRC into policy, practice and legislation, including the option of full incorporation into domestic law. Yes/No
 - iv. Evaluation of the Child Rights and Wellbeing Impact Assessment (CRWIA). Yes/No

3. Are there ways in which the proposed strategic actions listed above could be further strengthened? - please specify.

4. Are there additional or alternative strategic actions that the Scottish Ministers should consider? - please specify.

5. Are there any specific actions - not currently being progressed within a wider Scottish Government action plan, framework or other initiative, - that should be considered for inclusion within the Action Plan?



Scottish Government
Riaghaltas na h-Alba
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