

Children's Rights

Report by Service Director Young People, Engagement and Inclusion

EXECUTIVE COMMITTEE

18 May 2021

1 PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to advise on what initiatives Scottish Borders Council has implemented in the past 3 years (2017-20), and the measures planned over the next 3 years (2020-23) to further the rights of children and young people living in the Scottish Borders.
- 1.2 Part 1 of The Children and Young People (Scotland) Act 2014 requires Public Authorities to report 'as soon as practicable' after the end of each three year period on the steps they have taken to secure better or further effect the requirements of the United Nations Convention on the Rights of the Child (UNCRC).
- 1.3 Scottish Borders Council have prepared a joint report with NHS Borders to comply with the requirement of the Act and it is shown in Appendix 1. The Act requires that the Children's Rights Report is published on the local authority website.
- 1.4 The report is split into 2 parts. Part one sets out actions implemented within the past 3 years, namely, from 2017 (when the duties first commenced) to 2020. Part two comprises of an Action Plan of the measures being taken forward covering the period 2020 until 2023.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Committee:**
 - (a) **Approve the Children's Rights Report for 2017-2020**
 - (b) **Approve the Action Plan of measures for 2020-2023**

3 BACKGROUND

- 3.1 Part 1 of the Children and Young People (Scotland) Act 2014 requires Public Authorities to report, “as soon as practicable” after the end of each 3 year period, on the steps they have taken to secure better or further effect of the requirements of the United Nations Convention on the Rights of the Child (UNCRC).
- 3.2 There are four articles in the Convention that are seen as special. They are known as the “General Principles” and they help to interpret all the other articles and play a fundamental role in realising all the rights in the Convention for all children. They are:
 - 1. Non-discrimination (article 2)
 - 2. Best interest of the child (article 3)
 - 3. Right to life survival and development (article 6)
 - 4. Right to be heard (article 12)
- 3.3 For the purposes of Children’s Rights Reports there are 9 clusters, which help facilitate reporting, and these include definitions of the child, civil rights and freedoms, family environment and alternative care.
- 3.4 The Convention has 54 articles that cover all aspects of a child’s life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to. It makes clear how adults and governments must work together to make sure all children can enjoy all their rights.
- 3.5 The Convention must be understood as a whole: all rights are linked and no right is more important than any other. The right to relax and play (article 31) and the right to freedom of expression (article 13) are as important as the right to be safe from violence (article 19) and the right to education (article 28).
- 3.6 Scottish Borders Council committed to embedding the 17 United Nations Sustainable Development Goals (UN SDG) at a full Council meeting in August 2019, which have a strong resonance with the UNCRC, particularly inclusive and equitable education, and promote lifelong learning for all.

4 INITIATIVES IMPLEMENTED BY SCOTTISH BORDERS COUNCIL, NHS BORDERS AND PARTNERS TO IMPROVE CHILDREN'S RIGHTS IN THE PAST 3 YEARS (2017-2020)

- 4.1 Over the 3-year period, a number of initiatives have been undertaken which have recognised Children's Rights and so have enabled children and young people an opportunity to state their views. These are set out in the full Children's Rights Report (Appendix 1B) Some notable highlights are as follows:
- (a) The development of a Champions' Board as part of the Council's Corporate Parenting Strategy to better represent the voice of looked after and care experienced children and young people in service provision and development.
 - (b) Scottish Borders Council were given a presentation by Members of the Scottish Youth Parliament on their campaign "Right Here Right Now" in April 2018 which seeks to promote the rights of young people in Scotland. They outlined the background to the setting up of the Youth Parliament and advised that the topic for the campaign had been chosen following a survey of 5000 young people across Scotland, including 800 from the Scottish Borders.
 - (c) In partnership with NHS Borders, programmes such as 'Growing in Confidence' and 'Peaches & Aubergines' were rolled out across school and other settings. These were launched in September 2018 and promoted as a healthy relationship resource, comprising of 3 short films made by young people for young people, looking at matters relevant to them around healthy relationships, consent and respect.
 - (d) The Healthy Living Network and Community Learning developed and put in place a summer activity programme in 2019. Activities included good food sessions, physical activity and family learning support. Events took place in Burnfoot, Langlee, Eyemouth and Selkirk and were attended by 305 children.
 - (e) Under the Locality Partnership Model, and as a result of COVID-19, 16 childcare hubs were opened for the families of key workers, identified children and vulnerable young people.

5 ACTIONS PROPOSED BY SCOTTISH BORDERS COUNCIL AND NHS BORDERS IN THE 3 YEARS (2020-2023)

- 5.1 Over the three year period from 2020/21, a number of measures are proposed which recognise Children's Rights and will enable children and young people to state their views. These are set out in the full Children's Rights Report (Appendix 1C). Highlights are as follows:

- (a) Review the impact of Incorporation of Children's Rights into Scots Law in relation to the current Parliamentary Bill and review the impact of incorporation and amend our policies appropriately.
- (b) Strengthening networks between the Council, NHS Borders and their partners. The emphasis being on supporting all children and young people to realise their rights through the decisions, priorities and actions of public bodies, local authorities and their partners who must ensure that they act in accordance with UNCRC requirements.
- (c) Review of the Getting it Right For Every Child (GIRFEC) Information Sharing Protocol of confidential information and consent to support children and young people's wellbeing between NHS Borders, Council, Police and Child Protection.
- (d) Implementation of the findings of the Independent Care Review's 'The Promise' (2020) across corporate parent organisations in the Scottish Borders. Developments will be led through the Scottish Corporate Parenting Strategy 2021-24 and informed by the on-going participation of looked after and care experienced children and young people.

6 IMPLICATIONS

6.1 Financial

There are no specific costs attached to any of the recommendations contained in this report.

6.2 Risks and Mitigations

In accordance with the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, Scottish Borders Council and NHS Borders must ensure that Children's Rights are upheld in any decision making. Failure to do so leaves the Council at risk of breaching children's rights.

6.3 Integrated Impact Assessment

An Integrated Impact Assessment (IIA) has been completed for this report. Any other Policies and strategies in relation to Children's Rights will also require an IIA as they are developed.

6.4 Acting Sustainably

There are no economic, social or environmental effects associated with this report.

6.5 Carbon Management

There are no effects on carbon emissions as a result of this report.

6.6 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to the Scheme of Administration or the Scheme of Delegation as a result of this report.

7 CONSULTATION

- 7.1 The Executive Director (Finance & Regulatory), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR & Communications, the Clerk to the Council and Corporate Communications have been consulted and any comments have been incorporated into the Final Report.

Approved by

Lesley Munro
Service Director Young People, Engagement & Inclusion

Signature

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Background Papers: N/A

Previous Minute Reference: N/A

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Janice Robertson can also give information on other language translations as well as providing additional copies.

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