
CHILDREN'S RIGHTS

Report by Director Education & Lifelong Learning

Scottish Borders Council

28 September 2023

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 (2020-23), and the measures planned over the next 3 years (2023-26) 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 2020 to 2023. Part two comprises of an Action Plan of the measures being taken forward covering the period 2023 until 2026.

2 RECOMMENDATIONS

- 2.1 **I recommend that Council:**
 - a) **Approve the Children's Rights Report for 2020-23**
 - b) **Approve the Action Plan for 2023-26**

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 Using the UNCRC as the framework for reporting, Scottish Borders Council and NHS Borders have prepared a joint report which sets out:
1. actions implemented in the past 3 years (2020-23), and;
 2. an Action Plan of the proposed measures to be taken forward in the next 3 years (2023-26) to further the rights of children living in the Scottish Borders.
- 3.3 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.
- 3.4 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).

4 WHAT SCOTTISH BORDERS COUNCIL, NHS BORDERS AND PARTNERS HAVE DONE TO IMPROVE CHILDREN'S RIGHTS IN THE PAST 3 YEARS (2020-2023)

- 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) **Virtual School Headteacher** - The Virtual School Headteacher acts as a local authority champion to promote the educational achievement, attainment and experience of all of our looked after and care experienced children and young people. As a member of the corporate parenting group, the Virtual School Headteacher works alongside colleagues in Social Work, Health and other agencies to advocate for learners and provide educational support and direction. The Virtual School Headteacher is there to support and challenge schools and settings to ensure the needs of care experienced learners are met and acts in a consultative role for staff in schools. The Virtual School Headteacher works in collaboration with The Promise Implementation team and Scottish Borders Champions Board, to ensure the voices of learners are heard and that there are opportunities for participation in decision making (art 12, 13, 28, & 29).

- b) **Play park consultation** – Three community meetings were held in the village of Gavinton which were designed to be inclusive and children from the community had their voices heard. The first meeting was an onsite overview and to hear what everyone had to say, the second meeting was to narrow down their choices and the third meeting onsite, and in the village hall, was a presentation to the community to set out three options. The local children dominated the input at that meeting and were unanimous in their preferred choice which has been delivered on site (art 12, 17 & 31).
- c) Since August 2021 a **Champions Board approach** has been implemented to enable care experienced children and young people to have a forum that is flexible, accessible and has young people's voice at the heart of its design and development. The Champions Board approach has continued to be developed with care experienced children and young people over the past twelve months, and a schools pilot was established in two local secondary schools at the start of 2023. Setting up Champions Hubs in schools allows for getting to know children and young people in their communities, as well as working alongside school staff to support them to understand their Promise and Corporate Parenting responsibilities. The Champion's Board is also developing hubs at local colleges. Updates about Champions Board progress have been published in April 2022 and February 2023 via Champions Board Reports which have been developed and designed by the Lead Young Person and informed by feedback and ideas from Champions Board members (art 3, 4, 6 & 12).
- d) **Get into Summer 2022** was delivered by Live Borders in partnership with Scottish Borders Council and other key partners. Following on from a successful pilot programme in the Summer of 2021, Get into Summer 2022 provided a comprehensive programme of sport and cultural activities for children and young people and offered free places for identified children and young people to participate in holiday camps, go to the cinema and library workshops (Art 28, 29 & 31).
- e) Public Health, in partnership with NHS Borders Dietetics, has developed a new **Child Healthy Weight (CHW) Fit 4 Fun** service for children, young people and their families aged 0-18yrs. Pathways have been developed to support wide ranging access with options of self-referral over the age of 12 as well as the offer of support to fill out referral forms if required. Children & Young people aged 16-18 years are given a choice to access either CHW or Adult Weight Management under professional guidance. Children and young people are encouraged to set their own goals and work at their own pace. In addition, they are encouraged to provide feedback during and following completion of the programme through options of verbal communications, evaluation and/or care opinion/care opinion monkey. Parent/carers feedback is also sought through post evaluation and care opinion/monkey (art 3,12,13,14, 24 & 25).

5 ACTIONS PROPOSED BY SCOTTISH BORDERS COUNCIL, NHS BORDERS AND PARTNERS IN THE NEXT 3 YEARS (2023-2026)

- 5.1 Scottish Borders Council, NHS Borders and Partners will continue to take forward measures to improve the wellbeing of all children and young people living in the Scottish Borders to ensure that their rights are fully realised and protected. A number of measures are proposed for 2023-2026 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 1D). Highlights are as follows:
- a) We are building on the **Champions Board approach** implemented in the last 3 years to develop Champion Board Hubs in 2 more schools and the local college in the Borders. We will work with partners to continue to develop the Champions Board Approach to ensure children and young people with quieter voices are at the heart of decision-making in the Scottish Borders.(art 3,4, 6 &12).
 - b) SBC Education colleagues from Leader Valley School continue to engage with the South East Improvement Collaborative Complex Needs Network to create additional **UNCRC training scenarios** which are relevant to children and young people with complex needs (art 3 & 4).
 - c) Current procedures are being updated to encompass directions for children and young people identified as young carers to offer plans or statements quickly when they are a **young carer of someone with a terminal illness**. Current regulations can only set timescales once an offer is accepted. The guidance from Scottish Government will therefore help to achieve the original policy intention of timescales running from when the authority was first aware of a young carer of someone who is terminally ill (art 3,4, 6 & 17).
 - d) A **child friendly complaints procedure** and guidance is currently being developed by the Scottish Public Services Ombudsman (SPSO) in conjunction with children and young people and other stakeholders. The current deadline for this is April 2024 (art 3 & 12).
 - e) A **Health passport (HP)** is to be developed for when a child/young person is admitted into hospital. The HP will provide information about the young person, what name they would like to be called, what food they like/dislike and things that they are interested in e.g dogs, reading to try and make their stay in hospital a personalised experience (art 2, 3, 6 & 24).
 - f) A review is underway to help **shape the future of sport, leisure and cultural services** in the Scottish Borders. All secondary school pupils in the Scottish Borders are to be invited to complete an online survey. The responses will form part of the review, which focuses on the quality, quantity, accessibility, affordability and ongoing sustainability of services and facilities owned by the Council and operated by Live Borders (art 12 & 31).

6 IMPLICATIONS

6.1 Financial

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

6.2 Risk 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 not meeting its statutory obligations, and the various consequences as a result.

The Council's risk management process routinely considers relevant risks arising from new and existing legislation. The Corporate Risk Officer will liaise with relevant officers to ensure that associated threats and opportunities are captured appropriately, and controls and mitigation actions are applied.

6.3 Integrated Impact Assessment

An Integrated impact assessment has been completed and is shown at Appendix 2.

6.4 Sustainable Development Goals

In considering each of the UN Sustainable Development Goals, the following may be considered to make a difference:

- 1. End poverty in all its forms** – local action is reported in the Scottish Borders Child Poverty Report and Action Plan which contributes to this goal.
- 2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture** – third sector youth organisations support young people with cooking and baking activities. Food parcels were given to young people during the covid pandemic. Children, young people and their families benefited from cost-of-living funding which was given to third sector youth organisations to enable them to open longer and work with food partners to deliver food to those in need.
- 3. Ensure healthy lives and promote wellbeing for all** – holiday programmes are on offer which provide a range of activities for children and young people. Play provision consultation is now routinely done with children and young people.
- 4. Ensure inclusive and equitable quality education** – The Inspire Learning Programme was accelerated due to the covid pandemic to ensure that children and young people could continue to learn at home when schools were closed. The virtual school headteacher promotes educational achievement, attainment and experience for all looked after and care experienced children and young people.
- 5. Reduce inequalities** – local action is reported in the Scottish Borders Child Poverty Report and Action Plan which contributes to this goal.

6.5 **Climate Change**

There are no climate change implications arising from the proposals contained in this report.

6.6 **Rural Proofing**

There are no rural proofing implications arising from the proposals contained in this report.

6.7 **Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report.

6.8 **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 Director (Finance & Procurement), the Director (Corporate Governance), the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications have been consulted and any comments have been incorporated into this report.

Approved by

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Title

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Background Papers: n/a

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