

getting
it right

for every child

Children and Young People's Voices Matter!

Progress report on actions agreed at the
Cabinet meeting with children and young people,
March 2018



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INTRODUCTION

Our second annual meeting of Cabinet members and children and young people was held on 6 March 2018 at St Andrew's House, Edinburgh.



Seven Members of the **Children's Parliament** (MCPs) and seven Members of the **Scottish Youth Parliament** (MSYPs) attended.

At this meeting MCPs and MSYPs represented children and young people's views from across Scotland and talked about issues that were important to them.

The meeting ended with everyone agreeing actions for the year ahead (as set out on page three). These actions have been taken forward by the Scottish Government and this report sets out our progress on these actions over the past year.

Further information about these actions can be found in our recently published **Progressing the Human Rights of Children in Scotland Report (the 2018 Report)** and **Action Plan**.

The **2018 Report** gives information on what we have done to progress children's human rights since 2015 whilst the **Action Plan** sets out our plans to strengthen children's human rights over the next three years, focussing on **four Strategic Actions**.

In this report, all links in the text are **purple**.

The Children's Parliament, Scottish Youth Parliament and **Together** went to the Eurochild Conference "**Building a better Europe with Children**" in Opatija, Croatia in October 2018. MSYPs and MCPs spoke about their experiences of taking part in the 2018 Cabinet meeting with children and young people.



AGREED ACTIONS

1	We will listen to children and young people's views and take account of their views in our work as Scottish Ministers. Page 4	5	We will listen to and take account of the voices of young people on key rights issues that they feel should be protected during Brexit. This will include organising a meeting with the Cabinet Secretary for Government Business and Constitutional Relations and MSYPs to discuss their Brexit manifesto. Page 10	8	We will take steps to improve the wellbeing of children and young people. In particular, we will look at: a) Bullying b) Equality c) Period poverty d) Mosquito devices Page 16
2	We will encourage Scottish Government officials to listen to children and young people and take account of their views as early as possible during the policy making process. Page 4	6	We will reinforce the Getting it right for every child approach and ensure that it is meaningful for children and young people. Page 13	9	We will encourage more people to be Unfearties and raise awareness of children's rights amongst children, young people and adults. Page 20
3	We will consider how young people's views are heard on religious observance in schools. Page 8	7	We will consider how the child-centred approach, promoted by Getting it right for every child, is working in practice for developing positive relationships for children with practitioners (such as teachers and social workers, as raised by children). Page 14	10	We will encourage more people, particularly children and young people, to be Human Rights Defenders. Page 21
4	As set out in the Programme for Government 2017-18 , we will undertake a comprehensive audit on the most effective and practical way to further embed the principles of the UN Convention on the Rights of the Child into legislation, policy and practice, including the option of full incorporation into domestic law. Page 9				

PROGRESS ON AGREED ACTIONS

LISTENING TO CHILDREN AND YOUNG PEOPLE'S VOICES

1	We will listen to children and young people's views and take account of their views in our work as Scottish Ministers.
2	We will encourage Scottish Government officials to listen to children and young people and take account of their views as early as possible during the policy making process.

We want it to become normal for children and young people to be involved in making decisions on issues that affect them across Scotland and where they stay. That's why we've included **participation of children and young people** as one of the four actions in our **Action Plan**. This is supported by Commitment two – on participation – in our recently published **Open Government in Scotland Action Plan 2018-2020**.

This year we held a number of events where we engaged and listened to children and young people's voices on different issues. One example is the first ever First Minister's Question Time for young people in September 2018 – **FMQT: Next Generation**, run by **YouthLink Scotland** and **Children in Scotland**. Over 100 children and young people attended and they discussed different topics with the First Minister, including education, mental health, housing and equalities.

Another event was the **Young People's Rights Review**, organised by the Scottish Youth Parliament in April 2018, which was attended by Ministers and government officials. MSYPs gathered views from young people across Scotland on issues that affect their rights – including islamophobia, disability, mental health, period poverty, bullying and mosquito devices. MSYPs gave short presentations on these issues and their **views** helped to inform our Action Plan.

In the autumn, the Children's Parliament organised workshops in five schools across Scotland for children (aged 6 to 12). They looked at children's awareness, understanding and experience of children's rights in Scotland. The children's views also helped to inform our Action Plan.

The Children's Parliament, Scottish Youth Parliament, **Young Scot** and Children in Scotland have worked with different teams in the Scottish Government over the past year to ensure that children and young people's voices are heard as policies and laws are developed on different topics. The table in Annex A (page 22) gives an idea of some of the areas that they have been involved in. They have also worked together for us on the **Scottish Learner Panel** – a panel of about 30 young people (aged 3 to 18) who give us their views on education policy. Children and young people from other organisations like **Who Cares? Scotland** have also helped us develop policies.

We have worked with vulnerable groups of children and young people during 2018. For example, we have supported the new **Young Gypsy/Traveller Assembly** by providing practical help and some funding to the organisation **Article 12**. We worked with **COSLA** and Article 12 to arrange a two day residential training event in Edinburgh for the Young Gypsy/Traveller Assembly. This involved meetings with Ministers, COSLA and staff in the Scottish Government and Scottish Parliament.

We carried out a consultation and engagement tour on the content of the website supporting disabled children, young people and their families, which we expect to launch in spring 2019.

This year our **Scottish Awards for Quality in Planning 2018** included for the first time a children and young people's category. The Children's Parliament, Buckie High School and the organisations Article 12/**PAS** were given awards for their outstanding engagement with children and young people through the planning process.

Year of Young People 2018 (YoYP)

The Year of Young People has been a unique opportunity to show the world how valued and proud Scotland is of all that our young people do – and all they can achieve in the future.



year of young people
bliadhna na h-óigridh
2018

This Themed Year was the first of its kind to adopt a co-design approach with young people. Young people have been involved in the co-design of the Year from the outset and have planned events, with over 2000 young people participating. Communic18 – a group of 34 young people – have made decisions about the Year and have supported almost 400 Ambassadors, whose role was to raise awareness of the YoYP in their local area.

The Participation theme connected all the six themes in the YoYP – making sure that children and young people were actively involved in the planning, running and legacy of the year.

Events have included Scotland's first ever Youth Urban Games, ScotWord, part of Edinburgh's Hogmanay, and Youth Beatz, Scotland's largest youth music event.



Raising awareness in Scottish Government

We have supported others in the Scottish Government to consider children's rights and wellbeing when they are developing new laws and policies – by carrying out a **Child Rights and Wellbeing Impact Assessment (CRWIA)**. This year a number of CRWIAs have been developed, including on **Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill, Fuel Poverty (Target, Definition and Strategy) (Scotland) Bill and Fuel Poverty Strategy, Best Start Grant and Access to free sanitary products for those at school, college or university.**

However, we want to go even further, so we have included an action on the **CRWIA process** in our **Action Plan**. We will support Scottish Government colleagues and others on the CRWIA process, encourage more people to use it, and arrange for the process to be evaluated within the next three years.

We have continued to raise awareness of participation of children and young people in the Scottish Government. For example, we wrote an article on participation of children and young people for our website to publicise participation across the Scottish Government.

We also talked about participation of children and young people in policy and decision-making at our meeting of the Children and Young People Community of Interest in June 2018. This group aims to join up work on children and young people across government.

Scottish Government Directors (senior members of staff) met with the Children's Parliament in September 2018. Members of the Children's Parliament spoke about the 'kind of Scotland' they want to be part of, human rights defenders and 'unfearties'.

Our Youth Takeover of the Scottish Government's Executive Team took place in December 2018 (the Executive Team is made up of the **Permanent Secretary** and the Scottish Government's **Directors General**, and is responsible for ensuring the Scottish Government achieves its goals). We worked with the Scottish Youth Parliament to co-produce the session on Adverse Childhood Experiences, which was led by young people.

We have appointed two young people to each of the Scottish Government Boards on People, Performance, Place and Economy for a year. Each young person will have a buddy and be mentored by a Director General to support them.

We have involved young people in some parts of public appointment rounds, including for the Scottish Children's Reporter Administration and Children's Hearings Scotland. And a young person – who is a public appointee – spoke at our last *Come on Board* event in Dundee in September 2018.

Schools and learning

We have included pupil participation in Scotland's **National Improvement Framework** and will also include participation in the new **Empowering Schools guidance**.

We fund the **Young Ambassadors for Inclusion** project, supported by **Education Scotland** and **Enquire**, which gives a group of young people with additional support needs an opportunity to give their views on how to ensure that all pupils are included and supported in Scotland.

Education Scotland has published a number of resources this year on the participation of children and young people in educational settings. This includes a resource on **Learner Participation in Educational Settings 3-18**, which provides guidance on how to ensure that children and young people are encouraged to actively participate in all areas of school life in a way that is inclusive, respectful and authentic.



They have also added new resources to the suite of **How good is our school?**⁴ self evaluation tools, including **How Good is OUR School?** This resource gives advice on how to involve children and young people in improving and evaluating schools and includes a framework to support children and young people to be involved in this process.

The professional learning resource **Recognising and realising children's rights** has been updated and is currently being piloted with a range of practitioners. This helps schools and other community settings to fully embed a rights-based approach, based on the **UNCRC**.

Finally, a **Young Inspectors Programme** is being developed, which supports children and young people to take part in school improvement and self-evaluation activities. As part of this, children and young people from P4-S6 take part in training activities and visit other schools as 'Young Leaders of Learning'.

3 —

We will consider how young people's views are heard on religious observance in schools.

We published **revised guidance** on religious observance in schools in March 2017. This guidance recommends that parents and children and young people are involved in decisions about the Religious Observance programme in schools.

We will continue to consider ways in which rights under the UNCRC can be progressed across individual policy areas, including in this particular area. If proposals for further changes are suggested, this will include discussion and consideration with young people.



CHILDREN AND YOUNG PEOPLE'S RIGHTS

4

As set out in the **Programme for Government 2017-18**, we will undertake a comprehensive audit on the most effective and practical way to further embed the principles of the UN Convention on the Rights of the Child into legislation, policy and practice, including the option of full incorporation into domestic law.

We intend to publish the outcome of the Audit in spring 2019. To further strengthen children's rights in Scotland, we announced through the **Programme for Government 2018-19** our commitment to incorporate the principles of the **UNCRC into domestic law**. This is also one of the four actions in our **Action Plan**.



BREXIT AND THE RIGHTS OF YOUNG PEOPLE

5 — We will listen to and take account of the voices of young people on key rights issues that they feel should be protected during Brexit.

This will include organising a meeting with the Cabinet Secretary for Government Business and Constitutional Relations and MSYPs to discuss their Brexit manifesto.

The Cabinet Secretary for Government Business and Constitutional Relations met with MSYPs in May 2018. He welcomed their Brexit manifesto and agreed that young people's voices must be heard on the UK's exit from the EU.



The Cabinet Secretary committed to doing everything possible to allow children and young people to have their views on Brexit considered. This has included setting up formal and informal ways for children and young people's views to be heard as well as meeting them directly.

a) Workplace rights

The **Programme for Government 2017-18** contained a commitment to publish a series of papers over the course of the coming months on a range of issues, including employment powers. We have prepared a draft paper, which focuses on Labour Market Strategy delivery, Fair Work agenda and EU Exit impacts. It was due to be published in the summer but Ministers have now asked us to wait until things are clearer on the exit from EU.

b) Participation

We will promote the voices of young people during the Brexit negotiations with the UK Government, when we have the opportunity to do so.

We have funded Children in Scotland to run a **Children and Young People's Panel on Europe** to advise the Scottish Government. This Panel gives children and young people (aged 8-18) the chance to talk about the main issues for them on leaving the EU and our future relationship with Europe. The Panel met with the First Minister's Standing Council on Europe in September 2018 and have also met with the Cabinet Secretary for Government Business and Constitutional Relations to inform him of their views. The Panel wrote to all MSPs and MPs in December 2018 and the Scottish Government will receive a final report from the Panel.



We have also funded *MyLifeMySay* to host Brexit cafes for young people in Edinburgh, Aberdeen and Glasgow. Their views have contributed to **The Better Brexit for Young People Report**.

c) Equalities and rights protection

Equalities laws are mostly reserved and can only be changed by the UK Government. There is limited opportunity for the Scottish Government to make any changes.



d) Right to remain

The Minister for Europe, Migration and International Development met with MSYPs and young EU nationals in November 2018 to discuss EU citizens' rights and migration policy in Scotland. He repeated our commitment to set up an advisory service to provide information and support for EU citizens, which he asked for youth organisations to help publicise once it was set up.

They also discussed the loss of Free Movement, including the right for young people to study in Europe. The **UK Government's Settlement Scheme for EU citizens** was not well known or understood by many of the young people present.

e) Right to health

The Scottish Youth Parliament's Brexit manifesto asked for the UK EU Withdrawal Bill to include a provision for there to be an independent evaluation of the health impacts of Brexit. This was not accepted by the UK Parliament, but in the debates in the Scottish Parliament on the alternative Scottish Continuity Bill – which is not currently in force – just such a provision was accepted.

We also carefully examined all the evidence put forward to the Brexit inquiry carried out by the Scottish Parliament's Health and Sport Committee, including organisations representing the views of young people such as WhoCares?Scotland.

GETTING IT RIGHT FOR EVERY CHILD (GIRFEC)

6 — We will reinforce the Getting it right for every child approach and ensure that it is meaningful for children and young people.

We are currently working with stakeholders to refresh the GIRFEC policy guidance. This will support those working in children and families services to make sure that the culture, systems and practice of organisations accurately reflects our GIRFEC policy.

GIRFEC puts children and young people at the heart of the policies and decisions that affect them. We continue to work with partners to ensure that children, young people, families and the wider public understand GIRFEC and how it can support them.



7 — We will consider how the child-centred approach, promoted by Getting it right for every child, is working in practice for developing positive relationships for children with practitioners (such as teachers and social workers, as raised by children).

People working in the public sector (such as teachers and social workers) must make sure there is equality for children and young people and take positive steps to eliminate discrimination, increase equality of opportunity and foster good relations between different people when carrying out their activities.

a) Teachers

We are in close contact with **Families Need Fathers** about schools' communication with parents to make sure that both parents receive information in a suitable format.

Also, **Learning Together**, which looks at parent's involvement and engagement with schools, includes a section on Equalities and Equity. It makes clear that everyone should have access to the right support and advice to help them to engage in learning. This requires teachers to adapt to the needs and wishes of families as well as building better links between school and home.



Children in Scotland gathered children and young people's views on the Professional Teaching Standards for the General Teaching Council for Scotland. The **report** was completed in May 2018 and shows that children and young people have a clear idea of the values, qualities and skills they want from a good teacher. Their views will help to shape the refreshed professional standards.

b) Social workers

Good relationships between social workers and children and young people is essential to improving outcomes. This means always listening and making sure children and young people are involved in important decisions about them. This is an important part of the GIRFEC values and principles and is strongly supported by the office of the Chief Social Work Adviser who will state this in all discussions it has with Social Workers and Social Work managers.

We discussed the removal of identity badges in schools at a number of meetings with Social Work Scotland and the Chief Social Work Officers Strategic group. We agreed, in principle, that identity badges could be taken off in school or ordinary visitor badges could be worn if the child or young person thought this would benefit them (as long as it was agreed with school management that this was alright for security purposes).



WELLBEING OF CHILDREN AND YOUNG PEOPLE

8 — We will take steps to improve the wellbeing of children and young people. In particular, we will look at:

a) Bullying

Using our national guidance *Respect for All – the National Approach to Anti-bullying for Scotland’s Children and Young People* we will improve the recording and monitoring process for incidents of bullying in schools; and we will provide new guidance for all school staff on how to deal with incidents of racist bullying.

We set up a working group to develop a standard approach to recording and monitoring incidents of bullying in schools. A support group is now helping local authorities to put this in place by August 2019.

respectme, Scotland’s anti-bullying service, provides support for all those working with children and young people on how to deal effectively with bullying. We provided funding to **LGBT Youth Scotland** to work together with **respectme** to produce a resource and deliver seminars for teachers to address homophobic, biphobic and transphobic bullying.

We have also funded **Coalition for Racial Equality and Rights (CRER)** to produce similar guidance for schools to address bullying based on race.

b) Equality

Equality and Discrimination was a theme of the YoYP. Events this year have included an Interfaith Summit and Refugee Festival Scotland (coordinated by the Scottish Refugee Council).



Gender

As part of the STEM (Science, Technology, Engineering and Mathematics) Strategy we are working with Education Scotland on an Improving Gender Balance programme. This aims to tackle the persistent under-representation of girls in STEM subjects and challenge perceptions and unconscious assumptions about who does what job.

Sexual orientation

We are providing funding to LGBT Youth Scotland to deliver a programme of work that aims to reduce the discrimination experienced by LGBTI young people. This includes working with schools and education authorities on inclusive education, tackling prejudice based bullying, LGBT History Month and implementing the LGBT Charter.

Also, we have accepted the **recommendations of the LGBTI Inclusive Education Working Group** and will now work with partners on taking this forward in schools within this parliamentary term.

Age

The Equality Act 2010 is largely reserved (and can only be changed by the UK Government) but we can promote equal opportunities within our own Scottish devolved powers in other ways that don't involve changing laws which are reserved.

We are considering some of the concerns raised by young people and have also met with the organisation **Retailers Against Crime**.



Care experience

The Independent Care Review has started its 'Journey' stage and will focus on a number of important areas, including ensuring the rights of children and young people are upheld and respected while they are in, and leaving, care.

The **first report**, published in June 2018, sets out what corporate parents all across Scotland are doing to support looked after children and care leavers as well as feedback from young people on the difference it makes.

We have developed a wide range of recommendations on improving the support for children and young people in care, as part of our **National Review of Foster and Kinship Care Allowances**, published in September 2018. We are developing a response with COSLA, due in the new year.

We have developed an Avatar of a child 'Sophie' who lives with her Granny (in kinship care) and used her to discuss how different policy areas across government can contribute to addressing and supporting her needs.

c) Period poverty

We agree that it is not acceptable that people in Scotland are experiencing period poverty, which is why we are making sanitary products available in schools, colleges and universities from autumn 2018. We intend to consider carefully whether to take further action to address this, taking account of the growing body of evidence.

We met our commitment to provide free sanitary products for those at school, college and university from August 2018 – investing over £5 million between August 2018 and March 2019.



We also announced in the Programme for Government 2018-19 that we will “*increase the number and range of places where sanitary products are available for those who need them*”. We are talking to public sector organisations, including local authorities, to agree funding to support this and will encourage private sector organisations to do the same.

Finally, we are funding **FareShare** to increase the number of places that people on low incomes can get free sanitary products. This is expected to reach almost 19,000 people.

d) Mosquito devices

We do not have the devolved powers to introduce a ban on mosquito anti-loitering devices. These powers are reserved to the UK Government which is not seeking a ban/restriction. However, we do not support their use.

Young Scot carried out a survey for us on **young people’s views on mosquito devices**. It showed that young people don’t think that mosquito devices are fair. But it also showed that most young people completing the survey had never heard of a mosquito device or come across one.

The former Minister for Community Safety and Legal Affairs wrote to the UK Government to highlight the lack of available evidence on the use and impact of mosquito devices. She also wrote to the Health and Safety Executive to ask them to update their research on mosquito devices but they declined to carry this out. Finally, she wrote to private organisations to encourage them to support us in not using the mosquito device.

We wrote to all local authorities and key public organisations stating that we do not support the use of mosquito devices. All local authorities have confirmed that they do not use the device.



OTHER

9 — We will encourage more people to be Unfearties and raise awareness of children's rights amongst children, young people and adults.

We are encouraging more people to be **Unfearties**. Many people who work in Scottish Government to improve the lives of children and young people have now become an Unfeartie.

One of the actions in our **Action Plan** is to raise awareness and understanding of children's rights across all sectors of society in Scotland.



10 — We will encourage more people, particularly children and young people, to be Human Rights Defenders.

What is a Human Rights Defender (HRD)?

The United Nations defines human rights defenders as: **“People who, individually or with others, act to promote or protect human rights.”** This includes the Children’s Parliament, the Scottish Youth Parliament, and any other organisation or individual who takes any form of action on any human rights issue.

Children’s rights, within the bigger picture of human rights, are at the heart of our National Performance Framework (NPF), which includes *“We respect, protect and fulfil human rights and live free from discrimination”* and *“We grow up loved, safe and respected so that we realise our full potential”*.

The UN Committee on the Rights of the Child chose **“Protecting and Empowering Children as Human Rights Defenders”** as the theme for its Day of General Discussion. The Children’s Parliament, Scottish Youth Parliament, Together, the **Children and Young People’s Commissioner for Scotland** and WhoCares?Scotland went to this event in Geneva in September 2018.

Children and young people from the Children’s Parliament, Scottish Youth Parliament and WhoCares?Scotland spoke about their work in Scotland as human rights defenders. Five giant shields on human rights defenders – that were made by the Children’s Parliament – were also on display.

The **Scottish Human Rights Defender Fellowship** – a partnership between the Scottish Government, Scottish universities and organisations – ran for the first time from September to December 2018 at the University of Dundee. It gives HRDs, who live in difficult conditions, the opportunity to spend three months in Scotland. They can continue with their work and meet new people in a place of safety. Three HRDs took part in the Fellowship.

A meeting between the three HRDs taking part in the Scottish Human Rights Defender Fellowship and the Children and Young People’s Commissioner Scotland human rights defenders action group took place in November 2018.

We are standing firm in supporting our existing human rights protections in the face of Brexit and threats to the Human Rights Act. We have also made human rights central to policies – such as social security.

We support all rights-based learning approaches – including **Rights Respecting Schools**, which can help encourage and mobilise children and young people to take an interest in human rights.

ANNEX A

ENGAGEMENT WITH CHILDREN AND YOUNG PEOPLE

ORGANISATION	TOPIC
Children's Parliament	<ul style="list-style-type: none"> • Age of Criminal Responsibility • Child Poverty Delivery Plan • Best Start Grant • School Food and Drink Regulations • Part One of the Children (Scotland) Act • Progressing Children's Rights in Scotland Action Plan
Young Scot	<ul style="list-style-type: none"> • Young Carers Vision Panel • Scottish Learner Journey (15-24) • Youth Commission on Mental Health • Attainment Challenge: National Strategic Partnership • Personal Social Education Review • 5Rights Youth Leadership Group • YouthVIP (Volunteer Innovation Project) • National Youth Arts Advisory Group response to Culture Strategy consultation • Fairer Futures • Dear Death • Choices for Life • Women and STEM • PASS (Proof of Age Standards Scheme) • Technology Enabled Care • Babybox • PING – pregnancy and young parenthood programme • Child and Adolescence Health and Wellbeing Framework and Action Plan • Digi, Know? (previously Cyber Security Challenge UK in Scotland) • First Minister's Mentee Programme • Year of Young People • Police Scotland Youth Volunteer Programme • Go Live Glasgow Green • Private Residential Tenancy
Children in Scotland	<ul style="list-style-type: none"> • Children and Young People's Panel on Europe • Year of Young People • My Rights My Say – Children's Views service – supports children aged 12-16 to access their rights under additional support for learning legislation

Scottish Youth Parliament

- **Electoral Reform**
- **Climate Change**
- **Gender Recognition**
- **Family Law Review**
- **Age of Criminal Responsibility**
- **Protection from Sexual Offending**
- **Local Governance Review**
- **Criminalising emotional harm**
- **Biometrics**
- Year of Young People
- Consent and Healthy Relationships
- Substance Misuse
- Child and Adolescent Health and Wellbeing Action Plan
- MSYPs have also sat on a number of Scottish Government groups, including the Reference Group to the First Minister's Advisory Group on Human Rights Leadership and the Independent Advisory Group on the Use of Biometric Data in Scotland.



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