

***Integration Joint Board***

**Date of Meeting: 29 May 2024**

**Title of Report: Children's Rights Report: 2020-2023 Review**

**Presented by: David Gibson, Head of Children, Families and Justice/CSWO**

**The IJB is asked to:**

- Note the content of the report

**1. EXECUTIVE SUMMARY**

This report is the second Argyll and Bute Children's Rights Report and is a review of the first report completed in November 2020 but also looks at plan going forward. A child friendly, graphic "Plan on a Page" version of this plan is going to be produced in co-production with groups of children and young people.

In Scotland, Government Ministers have a duty to promote public awareness and understanding of the rights of children under Part 1 of the Children and Young People (Scotland) Act 2014. Local Authorities and Health Boards have a duty to report back every three years on the steps each has taken to secure better or further effect of UNCRC requirements under s.2 and Schedule 1 of the 2014 Act. However this will be the last Children's Rights Report written under this Act and guidance notes as The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, received Royal Assent on the 16th of January and the next local report, required in 2026 will be under this Act and new guidance.

This current report notes the challenges of the last 3 years and welcomes the passing of the new Act and the embedding of children's rights in Scottish Law. It also states that Argyll and Bute's commitment to children's rights, equalities and achieving the best possible outcomes for our communities.

**2. RECOMMENDATIONS**

To note this report.

**3. DETAIL OF REPORT**

As noted the current report identified the challenges of the last 3 years and welcomed the passing of the new Act and the embedding of children's rights in Scottish Law.

Argyll and Bute's has committed as a partnership to children's rights, equalities and achieving the best possible outcomes for our communities this is reflected in the following supporting plans including:

- Argyll and Bute Child Poverty Action Plan Review 2022-2023;
- Argyll and Bute HSCP Joint Strategic Plan 2022 – 2025;
- Argyll and Bute Children and Young People's Service Plan 2023 – 2026;
- Argyll and Bute Outcome Improvement Plan 2013 – 2023;
- Argyll and Bute Community Justice Plan 2017 – 2022;
- Argyll and Bute Corporate Parenting Plan 2021 – 2024;
- Argyll and Bute Employability Partnership Delivery Plan, 2022-25;
- Argyll and Bute Education Strategic Plan 2022 – 2024.

The report summarises the key area of the new Act that relate to local authorities:

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

It goes on to say that a Framework has been provided by the Scottish Government and Improvement Service to assist Local authorities and other public bodies in meeting these obligations. These are:

1. Leadership;
2. Participation of Children and Young People;
3. Empowerment of Children and Young People;
4. Child Friendly Complaints Procedure;
5. Training and Awareness Raising;
6. Improving Practice- Tools and Resources to support your work;
7. Publishing Child Friendly Information;
8. Measuring Progress;
9. Children's Rights Budgeting;
10. Accountability and Reporting on Children's Rights;
11. Non Discrimination / Rights at Risk.

It also talks about engagement and that our multi-agency UNCRC Implementation team, following consultation with children and young people, put in a bid to The United Nations Convention on the Rights of the Child (UNCRC) Innovation Fund. This was for monies to achieve three key outcomes:

- Bring children and staff together to talk about how best to embed UNCRC. To learn what children and young people think will work and how they want to be involved
- Create and deliver an awards scheme, in coproduction with children and young people that will encourage and recognize the progress of teams working to change the way their staff and departments function so that the rights of children and young people are respected and they are included in decision making.
- The awards scheme directly contributes to the effective implementation of the Getting Ready for UNCRC Incorporation Framework and ensures inequitable access issues are addressed for remote, rural and island children and young people as well as other groups.

The UNCRC Implementation Group has been granted £53,000 from the UNCRC Innovations Fund to achieve the desired outcomes; this will cover the period between October 2023 and October 2024.

In summary, the report then goes on to discuss other key areas relating to Children's Rights, including:

- **Getting it Right For Every Child (GIRFEC);**
- **Equality Impact Assessments;**
- **UNCRC Education Update** (Nurturing School Framework, Rights Respecting Schools, Professional Development and engagement activities);
- **Child Protection** (Protection from is integral to upholding children's rights, Rights based practice is central to child protection practice.);
- **Child Health** (The practice model ensures that all staff working with children are doing what is best in the interests of the child. It is non-discriminatory and ensures that children have a right to life and development. It also ensures that children are protected from harm and abuse.);
- **Tackling Child Poverty** (Article 27: the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development);
- A Rights Respecting Approach to Youth Justice (Criminalisation of the behaviour of children and young people should be avoided wherever possible as this can have lifelong negative impacts on them.);
- **The Argyll and Bute Community Planning Partnership** (Members of the Scottish Youth Parliament who are elected to represent Argyll and Bute are invited to sit on the Community Planning Partnership Management Committee and other relevant community planning groups, along with members of their support team from Live Argyll.);
- **Housing** (A key priority will be to ensure an adequate housing provision to provide safe, secure homes for families and children to flourish and lead happy, health lives.);
- **Transport** (These issues have been recognised in Argyll and Bute are known to be important when ensuring that children's rights are respected and they have equal opportunity and access to resources wherever they live.);
- **The Promise** (We have fully committed to the promise made to Scotland's infants, children, young people, adults, and families.);

- **Trauma-Informed workforce** (We have committed to further embedding our trauma-responsive children’s services and children’s workforce as a key strategic priority.);
- **Tackling Domestic Violence** (Children’s rights are recognised as key to the work of the Violence Against Women and Girls Partnership as they are harmed by domestic violence and other forms of gender based violence.);
- **Working with Refugees** in Argyll and Bute (To make children, young people and their families aware of their rights the Motivation and Wellbeing Profile has been translated.);
- **Employability** (To maximise the role that employability plays in delivering national and local aims of tackling poverty, promoting inclusion and social justice and creating a fair and prosperous Scotland.);
- **Young Carers** (Listening to feedback from Young Carers, we are currently reviewing the Young Carers Statement to ensure it continues to meet the needs of Young Carers.);
- **Bute Advice Centre;**
- **Council’s Welfare Rights Service;**
- **My Tribe, Free Period Products.**

#### **4. RELEVANT DATA AND INDICATORS**

Partner data and narrative is collated for final reporting.

#### **5. CONTRIBUTION TO STRATEGIC PRIORITIES**

As noted in the report this is aligned to current strategies.

#### **6. GOVERNANCE IMPLICATIONS**

##### **6.1 Financial Impact**

It should be noted that there will be some financial implications in terms of embedding the UNCRC into the way in which the Council and HSCP operates. For example, with regards to training staff. However this has so far been provided in a cost effective manner, for example in e-learning modules on LEON and TURAS and the provision of learning material on writing child friendly versions of information and documents. Also much is already being done in a rights respecting way; for example with seeking the views of children and young people and engaging them in coproduction; in considering the needs of children when setting budgets and commissioning policy and when producing written material that needs to be accessible.

##### **6.2 Staff Governance**

Note the training requirement for staff

##### **6.3 Clinical and Care Governance**

Improved Clinical and Care Governance

#### **7. PROFESSIONAL ADVISORY**

Advisory has previously been provided to the Integration Joint Board.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

We are required by the Fairer Scotland Duty (which forms part of the Equality Act 2010) to actively consider ('pay due regard' to) how to reduce inequalities of outcome. This current report as it outlines how we currently, and will, work to forward children's rights and listen to their views, fulfils this duty.

This report is about rights respecting approaches, activity and planning. Equalities are respected by this, for example "Article 23-If you are disabled, either mentally or physically, you have the right to special care and education to help you develop and lead a full life."

Socio-economic issues are integral to children's rights and the importance the needs of the child being considered in all of our decision making.

The challenges of affording children and young people across Argyll and Bute, equal access to resources / rights entitlement, are noted in this report.

Climate change is not directly referred to in this report but any actions that impact negatively on the environment might be seen as a children's rights issue. Children and young people should be consulted environment / climate change issues.

## **8. GENERAL DATA PROTECTION PRINCIPLES COMPLIANCE**

Not specific to this report

## **9. RISK ASSESSMENT**

There are legal obligations for public bodies in relation to the implementation of The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, one of those is fulfilled by the publication of this current report; others are set out within this current report.

If a Children's Rights Report were not to be published at this point, the Council and health Board would be failing to meet the duty laid out in the Children and Young People (Scotland) Act 2014 to publish one every 3 years.

A commitment has been made to carry out a wide range of engagement with children and young people across Argyll and Bute in 2024, telling them about their rights and gaining their views on ways in which the Council can meet them. Funds have been given by the UNCRC Innovations Fund for this purpose. Failure to deliver would might be seen as a failure to include children and young people.

All of the work outlined in the report contributes to meeting the needs of children and young people and respecting their rights. Any circumstances that impeded this work could be detrimental to achieving these goals.

## **10. PUBLIC & USER INVOLVEMENT & ENGAGEMENT**

*The report has noted consultation with children and also notes additional funds through the UNCRC innovation fund to support further consultation. This activity is planned.*

## 11. CONCLUSIONS

This current report sets out what changes have occurred since the last report in terms of legislation and obligations placed on public bodies.

It asserts Argyll and Bute's commitment as public bodies to delivering on these obligations and working with children and young people to ensure that their voice is heard and their needs and wishes are considered in every part of its functioning.

The report also talks to plans for engagement with children and young people throughout 2024 how it is hoped this process will ensure that children and young people feel that they understand their rights and are being listened and respected to in Argyll and Bute. In addition this report looks at key areas (child protection, Employability, Health, Tackling Child Poverty, Housing, Youth Justice etc.), what is happening and plans and commitment going forward.

A children and young people friendly version of this plan will be created in co-production with groups of children and young people. It will be in a graphic format and it is hoped will make this report more accessible to both children and also adults who prefer a more graphic presentation. It will also be used in the engagement activities to take place with children this year.

## 12. DIRECTIONS

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

## 13. PREVIOUS REVIEW OF THE REPORT

Meeting	Title of report	Date	Output (if relevant)

## REPORT AUTHOR AND CONTACT

Author Name Mandy Sheridan  
Email [mandy.sheridan@argyll-bute.gov.uk](mailto:mandy.sheridan@argyll-bute.gov.uk)