



State of Children's Rights Survey

Children in Scotland

August 2020

Giving all children in Scotland an equal chance to flourish is at the heart of everything we do.

By bringing together a network of people working with and for children, alongside children and young people themselves, we offer a broad, balanced and independent voice. We create solutions, provide support and develop positive change across all areas affecting children in Scotland.

We do this by listening, gathering evidence, and applying and sharing our learning, while always working to uphold children's rights. Our range of knowledge and expertise means we can provide trusted support on issues as diverse as the people we work with and the varied lives of children and families in Scotland.

Children in Scotland is pleased to contribute to Together's *State of Children's Rights* survey. Children's rights are central to everything that we do. Our response to the survey will focus on our project work and the work of our partners. It will also cover key policy areas that we feel currently have a major impact on the realisation of children's rights.

We have responded to the following sections of the survey:

- General measures of implementation
- Civil rights and freedoms
- Family environment and alternative care
- Education, leisure and cultural activities
- Special protection measures
- Disability, basic health and welfare.

General Measures of Implementation

The general measures of implementation are measures used by governments to ensure children's rights are respected and realised throughout all their work, including within spending decisions. The UN Committee is clear that responsibility for realising children's rights should be

co-ordinated across the whole of government, and not just limited to departments with an obvious impact on children. Topics discussed during the webinar included:

- *Law reform*
- *Child rights impact assessments*
- *Child rights budgeting*
- *Raising awareness and understanding of children's human rights*
- *Supporting professional training and development*
- *Good governance and children's involvement in decision-making.*

Q: Do you want to answer questions on general measures of implementation?

- Yes
- No

Q: What examples of promising practice can you provide in terms of how national and local government put in place measures to embed a rights-based approach into legislation, policy and practice (e.g. law reform, use of impact assessments, rights-based budgeting, awareness-raising activities, professional training, involvement of children in decision-making)?

Children in Scotland is aware of a number of examples of promising practice in relation to embedding a rights-based approach to policy, legislation and practice. Here we will refer to examples of work we have been involved in.

Activate Your Rights

[Activate Your Rights](#) is a project that was commissioned by the Scottish Government, led by Young Scot and supported by Children in Scotland. The aim of this project was to involve children and young people in reviewing and developing resources for a range of audiences on children's rights and to support their involvement in discussions about strategic participation. The resources produced as part of this project are expected to launch later in 2020.

Children and Young People's Panel on Europe

Children in Scotland also works on the [Children and Young People's Panel on Europe](#), in partnership with Together (the Scottish Alliance for Children's Rights). The Panel aims to ensure that children and young people are heard in the negotiations as Britain exits the European Union. In 2019-20 the Panel has been working to narrow down the recommendations made in its report ['Listen to Us'](#) and ensure that decision-makers act on these recommendations.

The Panel is made up of 19 members aged 9-19 from all across Scotland. During Phase 2 of the project they have continued to focus on the following four areas:

- EU Funding
- Opportunities to Work, Study and Travel
- Economy, Trade and Jobs
- Rights.

From 10-21 August 2020, the Panel ran a two-week online campaign to raise awareness of its calls across those four areas. They shared a series of infographics that detailed what they want the Scottish and UK Governments to do to ensure the needs of children and young people are met as we exit the European Union.

The Panel presents a clear example of where children and young people have had opportunities to engage with decision-makers about an issue that is often not considered to be directly related to children. However, while there has been promising practice, it is worth highlighting that it has continued to be a struggle to see tangible policy change based on the work of the Panel. Phase 2 of the project has been disrupted by the impact of Coronavirus, which has given less space to respond to concerns about Brexit. It also has to be recognised that Brexit is a complex policy area with a large number of stakeholders; this makes contributing to demonstrable policy change very hard.

However, despite the complexity of the policy area, Children in Scotland believes there is still work to be done to bridge the gap between decision-makers listening to children and young people on issues like Brexit and acting on what they have heard.

Cross-Party Group on Children and Young People - Young Co-Convenors

Children in Scotland holds the joint secretariat for the Cross-Party Group (CPG) on Children and Young People with YouthLink Scotland. Across the 2019-20 parliamentary term we engaged with a group of four children and young people to be involved in the CPG as young co-convenors. As far as we are aware, this was the first example of a group of children and young people being involved in the decision making of a CPG. This provided opportunities for the group to make decisions about the programme, chair meetings and engage directly with the MSP convenor group.

Working with the young co-convenors presents a clear example of progress towards engaging children and young people more meaningfully in the working of the Scottish Parliament. However, there were clear difficulties in making this role truly meaningful for children and young people. The formality of the meetings and the language often used by participants made it difficult to engage children and young people. The processes of the Scottish Parliament also make engaging children and young people with it complex.

Q: Are there any other issues related to general measures of implementation which you would like to raise?

Citizens' Assemblies

In 2019, the Scottish Government utilised Citizens' Assemblies to explore Scotland's future after exiting the EU. Children in Scotland was broadly supportive of moves towards more participative democracy, however, we were concerned that children and young people under the age of 16 were excluded from the assemblies. Children and young people under the age of 16 are already excluded from the democratic process by not having a right to vote. Excluding them from the Citizens'

Assemblies also meant their voices could not be heard in decision making through a route that was open to those over the age of 16. Children in Scotland would like to see opportunities to engage in democratic processes like Citizens' Assemblies extended to include children under the age of 16 to ensure they can be heard in national policymaking.

Strategic Participation Framework

Children in Scotland would also like to see the purpose of the Scottish Government's Strategic Participation Framework clarified and for further resourcing of strategic participation in decision-making. The Framework shows positive commitment to engaging children and young people in national decision-making and it provides commitments towards rights awareness-raising. However, Children in Scotland would still like to see the Strategic Participation Framework give a much clearer definition of how it will support the engagement of children and young people in strategic level decision-making in Scotland.

Child Rights and Wellbeing Impact Assessments (CRWIAs)

Children in Scotland also continues to have concerns with the use of the Child Rights and Wellbeing Impact Assessments. As we have consistently advocated, we do not believe these are meaningfully used in policy development. Too often they are used to rationalise the decision taken, not to inform it. As such we are concerned that many decisions are taken without a full understanding of how they will affect children's rights. This needs to change.

Civil Rights and Freedoms

Civil rights and freedoms enshrine children's rights to identity, to express themselves and to access information. Topics discussed during the webinar included:

- *The impact of coronavirus on children's civil rights and freedoms*
- *Religious education in schools*
- *Non-discrimination*

You might want to think about these or other examples when answering the following questions.

Q: Do you want to answer questions on civil rights and freedoms?

- Yes
- No

Q: How well do you feel the Scottish Government and public bodies including local authorities, education, health, social work and the police are ensuring the protection of children's civil rights and freedoms?

Gender Recognition Act

Children in Scotland is concerned by recent moves to delay reform of the Gender Recognition Act by the Scottish Government. Reform of the Act would have made it easier for trans people to have legal recognition of their lived gender by changing the process of applying for a Gender Recognition Certificate. However, the proposed Bill was delayed due to the impact of Coronavirus on the legislative timetable.

The current system for legally changing gender requires trans young people to provide proof they have lived in their 'acquired' gender for two years. This has ramifications for their employment and the services they access. The opportunity to legally change your gender is also only available to people over the age of 18. Children in Scotland sees the current situation as a restriction on trans young people's right to an identity.

We know that trans young people are more likely to experience poorer mental health and wellbeing. Recent research by LGBT Youth Scotland highlighted that 96% of trans young people have a mental health problem or associated behaviour and 50% have experienced suicidal thoughts or behaviours¹. Our engagement with trans young people suggests that access to legal recognition of their lived gender would be a small change that would have important benefits for them.

Trans Inclusive Guidance in Schools

It has been positive to see Scottish Government continue to support the use of the Trans Inclusive Guidance for Schools produced with LGBT Youth Scotland. Children in Scotland has endorsed the guidance and is supportive of the current review to ensure it is as inclusive as possible.

Children in Scotland believes guidance to make spaces like schools as inclusive as possible is essential in upholding trans young people's rights to identity. All children and young people should be comfortable to be themselves and express their identity within these spaces. However, LGBT Youth Scotland's research highlights that 82% of trans young people have been bullied at school for being LGBT². It also shows that 50% of trans young people rated their school experience as 'bad'³. It is clear that school is not currently inclusive for trans young people.

The Scottish Government guidance for schools provides a key support for schools in ensuring that spaces are inclusive for all children and young people. Children in Scotland believes that creating an inclusive environment is key to reducing bullying and ultimately of improving trans young people's experience of education. We hope to see the updated guidance over the coming months and for this to continue to be used in schools across Scotland.

Coronavirus

¹ <https://www.lgbtyouth.org.uk/media/1354/life-in-scotland-for-lgbt-young-people.pdf>

² <https://www.lgbtyouth.org.uk/media/1354/life-in-scotland-for-lgbt-young-people.pdf>

³ <https://www.lgbtyouth.org.uk/media/1354/life-in-scotland-for-lgbt-young-people.pdf>

The Coronavirus pandemic has resulted in unprecedented restrictions on civil rights and freedoms. Children in Scotland has been supportive of work by organisations like the Children and Young People's Commissioner for Scotland to ensure that the restrictions on civil rights and freedoms due to the recent lockdown have been monitored.

Through our project work we have heard of the negative impact of the lockdown on the mental health and wellbeing on children and young people. This has also been captured through the lockdown lowdown survey run by Young Scot, YouthLink Scotland and Scottish Youth Parliament, as well as Children's Parliament's *How are you doing* survey and the *Corona Times*⁴⁵⁶.

It is clear that the restrictions on civil rights and freedoms, while necessary to control the spread of the virus, have had a negative effect on the health and wellbeing of children and young people. It is essential as we move towards a path of renewal following the virus, that support for health and wellbeing is prioritised.

Family Environment and Alternative Care

Every child has the right to enjoy a supportive, nurturing home environment regardless of their circumstances. Topics discussed during the webinar included:

- *Childcare and parental leave*
- *Children deprived of a family environment*
- *Children affected by parental imprisonment*
- *Young carers*

You might want to think about these or other examples when answering the following questions.

Q: Would you like to answer questions on family environment and alternative care?

- Yes
- No

Q: How well do you feel the Scottish Government and public bodies including local authorities, education, health, social work and the police are ensuring children's rights are protected in relation to family environment and alternative care?

Independent Care Review

This year, 2020, saw the publication of the findings of the Independent Care Review. The review began as the result of an acceptance that Scotland was not getting things right for young people with experience of care. It is clear that there is still

⁴ <https://www.youthlinkscotland.org/media/4486/lockdown-lowdown-final-report.pdf>

⁵ <file:///C:/Users/cross/Downloads/HOW-ARE-YOU-DOING-SURVEY-REPORT-August-2020.pdf>

⁶ <https://www.childrensparliament.org.uk/our-work/children-and-coronavirus/>

progress to be made in supporting care experienced young people and improving the care system. We know that young people with experience of care are more likely to experience homelessness, have poorer mental health and more likely to have contact with the criminal justice system⁷.

The publication of the Review has the potential to make positive improvements in the way we support young people with experience of care. Children in Scotland wants to see the implementation of the review's recommendations in full and will be supporting the work of the Promise Team in achieving this⁸.

We are pleased that Scottish Government has already committed £4 million to the family support strand of the review's recommendations. As highlighted in the Promise, providing flexible support to families that need it, for as long as it is required, is essential to ensure they can meet the needs of their children⁹. This initial funding is a positive first step in providing this. However, more meaningful investment will be required to implement the recommendations in full and to ensure we provide a framework that will improve outcomes for young people with experience of care while they are in the system and throughout the rest of their life.

It is also worth highlighting that The Care Review recognises the impact of poverty in relation to children being on the child protection register and being removed from their families; that is children who experience poverty are more likely to end up needing care¹⁰. It is clear that if we want to provide better support to families and prevent children from being brought into the care system we need to tackle poverty. Children in Scotland is a member of the End Child Poverty coalition and the Give Me 5 campaign. We will continue to advocate for urgent action to loosen the grip of poverty in Scotland and ensure families have the resources they need.

Home and Belonging Initiative

Children in Scotland is working on the evaluation of the Home and Belonging Initiative, funded by the Life Changes Trust¹¹. The Initiative aims to support positive transitions from care for young people. We are currently in the process of evaluating Year 1 and cannot provide an in depth analysis of progress at this stage. However, the initiative is providing a range of exciting examples of support for young people to help them move into independent living. Such support is vital; we know that for many young people the transition out of care can be a difficult time due to the loss of relationships and support. The initiative has the potential to provide better support to young people as they move out the care system and support better outcomes both now and in the future.

⁷ <https://www.whocaresscotland.org/who-we-are/media-centre/statistics/>

⁸ <https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf>

⁹ <https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf>

¹⁰ <https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf>

¹¹ <https://childreninscotland.org.uk/evaluation-of-the-home-and-belonging-initiative/>

Disability, Basic Health and Welfare

Every child has the right to health and health services, benefits and an adequate standard of living. Special consideration must be given to disabled children. Topics discussed during the webinar included:

- *Learning disability*
- *Physical disability*
- *Children in hospital*
- *Mental health*
- *Child poverty*
- *Environmental health*

You might want to think about these or other examples when answering the following questions.

Q: Would you like to answer questions on disability, basic health and welfare?

- Yes
- No

Q: How well do you feel the Scottish Government and public bodies including local authorities, education, health, social work and the police are ensuring the protection of children's rights in relation to disability, basic health and welfare?

Health and Wellbeing

Children in Scotland believes there is still a long way to go in ensuring that all children and young people are supported to experience the highest attainable standard of health and wellbeing. We know that Scotland has some of the worst health and widest health inequalities in Europe. Many of the drivers of this are already present in childhood and adolescence. The Royal College of Paediatrics and Child Health has found that children from the most deprived backgrounds are more likely to be overweight or obese, more likely to smoke and more likely to report poorer wellbeing¹².

Our Health Inequalities: Participative Research project highlighted how where children and young people live can affect this¹³. The young peer researchers explored how the places they live contribute to health inequalities. They focused on the role of safety, littering and family and friends.

They found that areas of deprivation have a high density of fast food restaurants. This clearly affects the choices people are likely to make about the food they eat and have a knock on effect on their health and wellbeing¹⁴.

¹² GET REF

¹³ <https://childreninscotland.org.uk/health-inequalities-participative-research-project/>

¹⁴ <https://childreninscotland.org.uk/wp-content/uploads/2020/02/Health-Inequalities-Report-Chris-Ross.pdf>

They also found that issues like crime and substance misuse contribute to stigma about people and particular places within communities. The young peer researchers were aware of stigma and discussed how it could affect how people feel about where they live¹⁵. There is a range of research that shows the effect of stigma on health and wellbeing. Our research highlighted how issues like crime and substance misuse may contribute to this for children and young people.

Many of the issues that were highlighted through the research, such as crime and substance misuse are also related to poverty and deprivation. We know areas with higher rates of poverty also have higher rates of crime. While people experiencing poverty are more likely to have problems with drugs or alcohol. To improve the places where children and young people grow up, we need to tackle the underlying causes of these issues. We will also explore the impact of this on rights to play and leisure, later in this response.

We are also fully aware of the need for continued progress on supporting better mental health and wellbeing for children and young people. We know that additional support is likely to be needed following the effects of COVID -19. As we have highlighted previously, many children and young people have spoken about the effects of COVID-19 on isolation and loneliness through Lockdown Lowdown and a range of work conducted by Children's Parliament. Evidence from Carers Trust has shown that the impact of the lockdown on young carers has been significant, and has left many struggling to cope with increased caring responsibilities and isolation from their peers.

Children in Scotland believes that more needs to be done to move the focus of funding towards early intervention and prevention approaches to mental health and wellbeing. We know that preventing problems is more effective than treating them at crisis point. This was prioritised with the Children and Young People's Mental Health Taskforce's final recommendations and should be prioritised¹⁶. However, it is also vital that specialist services receive support so they can help those who already require them.

Child Poverty

This is a key area where Children in Scotland believes Scotland is not making good progress. The Child Poverty (Scotland) Act was brought into force in 2017 and set a series of ambitious targets for reducing child poverty in Scotland. Despite this there have been increasing rates of child poverty over the past three years¹⁷. Experience of poverty has a clear impact on the rights of children and young people. It is linked to poorer health and wellbeing, poorer educational attainment and increased food insecurity. More must be done to tackle this.

¹⁵ <https://childreninscotland.org.uk/wp-content/uploads/2020/02/Health-Inequalities-Report-Chris-Ross.pdf>

¹⁶ <https://www.gov.scot/publications/children-young-peoples-mental-health-task-force-recommendations/>

¹⁷ <https://cpag.org.uk/scotland/child-poverty/facts>

Children in Scotland also expects that the impact of COVID-19 will further increase rates of child poverty in Scotland. We have seen increased reliance on Universal Credit, increasing unemployment and more families applying to partners across the children's sector for financial assistance. In the longer term, the negative effect on the economy appears set to affect the worst-off.

In this context we were extremely disappointed in the delay to the roll-out of the Scottish Child Payment to eligible families from December 2020. Families need direct financial support now more than ever and the Scottish Child Payment was a key opportunity to do this. We believe that the Scottish Government must prioritise the roll-out of the Scottish Child Payment as a matter of urgency.

Education, Leisure and Cultural Activities

Every child has the right to an education that meets their needs and improves their attainment, and the right to leisure, cultural and play activities. Topics discussed during the webinar included:

- *Educational attainment*
- *Additional support for learning*
- *Rest, leisure and play*

You might want to think about these or other examples when answering the following questions.

Q: Would you like to answer questions on education, leisure and cultural activities?

- Yes
- No

Q: Have there been any significant developments in relation to education, leisure and cultural activities in the last year?

ASL Review

A review of the implementation of additional support for learning took place in late 2019 and a report was published in June 2020. The review found there to be some significant barriers to all children in Scotland receiving the education they are entitled to, which is a violation of their rights. At the time of writing, the Scottish Government is yet to respond to the report and detail how they will address the concerns raised by the review.

Children in Scotland produced a series of accessible resources detailing the key points in the review to support children and young people to engage with the findings¹⁸. These are a vital resource for ensuring that children and young people can be included in discussions about their education.

¹⁸ <https://childreninscotland.org.uk/asl-review/>

In a recent magazine article, Children in Scotland highlighted the need for the recommendations in the review to be fully resourced to ensure we achieve them. In particular, we highlighted the need for action across four key areas: involving children and young people in decision-making; access to online learning; re-evaluating how we identify successful learning; and reviewing the roles and remits of support staff.

Children in Scotland also contributed to the review as an organisation. In our response we highlighted the views of children and young people about additional support for learning¹⁹. The following themes were identified in our response:

- Support
- Staff
- Rights and views
- Resources
- Learning environment
- Inclusion
- Challenges.

Children in Scotland also submitted a response to the review on behalf of the Inclusion Ambassadors²⁰. The Inclusion Ambassadors are a group of children and young people with additional support needs from across the country who we work with to ensure their views are heard in decisions about education. They highlighted the following key points:

- **Good relationships between young people and staff are important for learning.**
- **A willingness to adapt methods and vary pace helps learning.** Using technology can be really helpful here.
- **School needs to be a safe place.** Having calming / sensory areas in all schools would help facilitate this. Pupils should be able to choose when they want or need to access these spaces.
- **All school staff need to have more knowledge and understanding** of additional support needs so they can meet everyone's needs.
- **Pupils with additional support needs often felt teachers underestimated their ability and capability.**
- **More understanding and empathy from peers** would improve the learning experience.
- **Support for young people with additional support needs must be consistent.** It should be available whenever people need it and all staff should make sure they support a young person in the same way. At present there are multiple examples of neither happening.

¹⁹ <https://childreninscotland.org.uk/wp-content/uploads/2020/01/ASN-review-CiS-response.pdf>

²⁰ https://childreninscotland.org.uk/wp-content/uploads/2020/02/Inclusion-Ambassadors-Response-to-ASL-Review_Final.pdf

- **Communication needs to improve.** Primary and secondary schools need to talk to each other. There also needs to be more communication between schools, other organisations that provide support and young people
- **Additional Support for Learning needs to be adequately funded** to ensure everyone gets the support they need, when they need it.

Children in Scotland hopes to see sustained action across the areas raised in our recent magazine piece and both submissions to the ASL review. Appropriate resourcing to support children and young people in these areas is vital for ensuring that the right to education of children and young people with additional support needs is realised.

The findings of the review echo some of the findings of our 2018-19 *Not Included, Not Engaged, Not Involved* research with partners Scottish Autism and the National Autistic Society. The report highlighted the experience of informal exclusions for pupils with autism and laid out a number of recommendations to ensure that these pupils are supported within Scottish education²¹.

Since the launch we have received positive ongoing engagement with the Scottish Government in relation to taking forward the recommendations. However, at this stage we are yet to see meaningful policy change. Informal exclusions are a clear breach of autistic children and young peoples' right to education. Ensuring they are supported is vital for ensuring these rights are met. We hope to see action from Scottish Government in this area soon.

My Rights My Say

Children in Scotland delivers the Children's Views service under My Rights My Say. My Rights My Say aims to ensure that children and young people aged 12-15 with additional support needs are heard in decisions about their education. They have highlighted a number of ongoing concerns about the realisation of the right to education of children with additional support needs in their response to the review.

They have argued that the criteria for a Coordinated Support Plan needs to be child-centred not agency-centred. The current test of 'significant' is judged from the service provider's view and not from the child's point of view²². This suggests the process is not centred on the needs of the child. My Rights My Say has also highlighted concerns around the length of time it takes to prepare a CSP, with this sometimes taking up to six months. The service has argued for these to be prepared in a shorter timeframe to meet the needs of the child²³.

The My Rights My Say team has also previously highlighted that practice varies dramatically across the country. Despite many examples of good practice, this means that for many children, their right to education is not being realised due to where they grow up²⁴. It is clear more needs to be done to ensure that a high

²¹ <https://www.notengaged.com/download/SA-Out-Of-School-Report.pdf>

²² <https://childreninscotland.org.uk/wp-content/uploads/2020/08/ASN-Review-MRMS-partners-response-1.pdf>

²³ <https://childreninscotland.org.uk/wp-content/uploads/2020/08/ASN-Review-MRMS-partners-response-1.pdf>

²⁴ <https://childreninscotland.org.uk/wp-content/uploads/2020/08/ASN-Review-MRMS-partners-response-1.pdf>

standard of additional support for learning is provided across the country to ensure the right to education of all children and young people is realised.

The team has also identified a workforce support need to ensure adults fully understand and respect children's right to be involved in decisions about their support to learn²⁵. They have highlighted that in a small number of cases, the involvement of children in decisions about their support is seen as a challenge, rather than a right to be promoted and welcomed. It is crucial that barriers to children's involvement in these processes are removed.

Coronavirus

Despite the damage and disruption caused by the coronavirus, there is an opportunity to rethink and rebuild more inclusive services as activity resumes. We know anecdotally from our involvement in the My Rights, My Say service that some children have much preferred accessing their education remotely online. We would like to see some flexibility retained in the education system to allow children who are unable to access their education in a physical school environment in the future to be able to access their learning online. As schools return, we have called for a greater emphasis on wellbeing rather than attainment.

Educational Attainment

The 2020 exam results presented a clear issue in relation to how the grades of young people were moderated and the impact that their socio-economic background had on this. This would have been a clear breach of the rights of those whose grades were downgraded based on historic assessments as opposed to their own work. Children in Scotland is pleased that the Scottish Government decided to reverse the moderation and return to teacher assessments. We are also pleased that a full review into the exam system will be undertaken in light of the issues. While we do not wish to pre-empt the findings of the review, we hope to see consideration given to more teacher-led assessment throughout school.

The 2020 exam crisis has highlighted issues that we have consistently raised with regards to a reliance on high stakes assessments. We are concerned that the model does not provide an accurate account of the progress of pupils, particularly those with additional support needs or from lower socio-economic backgrounds who appear to struggle with high stakes assessment.

The grades provided by teacher assessments suggested pupils would do better than the historical pass rates for high stakes assessment. Children in Scotland does not believe this is to do with undue lenience on the part of teachers. Instead we view the issue as being with the historic use of high stakes assessments which disadvantage certain children and young people. We would like to see a move towards more teacher-led assessment of progress across the lifetime of children and

²⁵ <https://childreninscotland.org.uk/wp-content/uploads/2020/08/ASN-Review-MRMS-partners-response-1.pdf>

young people's education. We believe this will support a more just and equitable education system for all.

We are also concerned that some of the wider focus on the attainment gap within Scottish education has a negative effect on supporting all pupils to fully realise their rights to the best possible standard of education. While many positive interventions have no doubt emerged through the Scottish Attainment Challenge, Children in Scotland believes action is targeted in the wrong areas. If the Scottish Government is serious about tackling the poverty-related attainment gap, and in turn ensuring that the right to education of children and young people experiencing poverty is realised, it should target its attention towards reducing poverty itself.

As we have alluded to earlier in this response, we also must get better at how we recognise success in the education system. The focus on academic attainment disadvantages many children and young people with additional support needs. It also means we miss out on recognising achievements they may have made. If we wish to truly measure progress of all children and young people, we need to have a broader view of success.

Q: Are there any other issues related education, leisure and cultural activities which you would like to raise?

Early Learning and Childcare

Children in Scotland is concerned about the delays to the expansion of Early Learning and Childcare. The expansion was due to be completed in August 2020 but has been delayed due to the impact of coronavirus. We have been supportive of the expansion's aims, in particular reducing inequality. If delivered effectively, the expansion has the potential to have a positive effect on the family environment and on children's rights. We understand the impact that coronavirus has had on delivery and the reasons for the delay. However, progress towards delivery of the expansion on time was patchy.

The expansion must be completed in full by August 2021 to ensure the needs of all children and families are met. This will be particularly important following the impact of coronavirus, which will have restricted access to many essential services and supports during the early stages of child development. Early learning and childcare services have a key role to play in supporting children and families and mitigating the effects of this gap.

Early Learning and Childcare (ELC) Inclusion Fund and the Access to Childcare Fund

In 2020, Children in Scotland began to administer the Access to Childcare Fund. The fund has built on the learning from the Early Learning and Childcare (ELC) Inclusion Fund, administered by Children in Scotland since 2018.

The Access to Childcare Fund focuses on out of school childcare provision (including but not exclusive to those with additional support needs), while the ELC Inclusion Fund provides funding to ELC settings to support children with additional support needs in Scotland access their funded ELC entitlement.

The first round of the ELC Inclusion Fund ran from 31 May 2018 to 22 June 2018. 136 applications were received and 110 of these applications were awarded a combined total of £135,848.28. The first round of the Access to Childcare Fund recently closed and received 187 applications. Funding decisions are still ongoing, so no metrics are available as yet.

It is too early to provide an assessment of the impact of these funds. However, both are very positive examples of good practice to support more inclusive opportunities for children with additional support needs.

Open Kindergarten

Children in Scotland also delivered the Open Kindergarten (OK) implementation project in partnership with Parenting Across Scotland, Midlothian Sure Start and Granton Early Years Centre²⁶. Open Kindergarten aimed to build on the Nordic model of ELC provision by integrating services with wider family support. The final findings from the project have not yet been published but early indications suggest the model was a valued and needed approach that had a range of potential benefits including: meeting a service gap, supporting parents who were struggling with mental health issues, creating opportunities for peer support, and creating opportunities for children to play.

Children in Scotland views the OK approach as being vital in realising children's rights across a number of areas. We would encourage the model to be further considered within delivery of early learning and childcare in Scotland.

Health Inequalities

We have already outlined many of the findings from our Health Inequalities: Participative Research project earlier in this response. In addition to the findings mentioned previously, the report also highlighted examples where children and young people's right to play was being infringed in areas of deprivation due to issues like crime and substance misuse.

The report highlighted that these issues influence whether children and young people want to access parks locally; contribute to stigmatisation of people and places; and also affect whether or not people are allowed to go out on their own²⁷. All of these have the potential to affect how much children and young people get to play and shape their health and wellbeing both now and into the future. In the

²⁶ <https://childreninscotland.org.uk/open-kindergarten/>

²⁷ <https://childreninscotland.org.uk/wp-content/uploads/2020/02/Health-Inequalities-Report-Chris-Ross.pdf>

report the young peer researchers made a series of recommendations that would improve this situation and ensure their rights to play and health are realised (See page 41 of report)²⁸.

Living Museums

Children in Scotland recently launched the Living Museums project²⁹. The project will shape how museums engage with young people and is an opportunity to share their views on their priorities and the important issues facing them. The project will look at the barriers young people experience when accessing museums and explore what things could improve the situation and encourage more young people to get involved. It will be a chance to reflect on our evolving understanding and perceptions of heritage.

Accessing museums is a key opportunity for children and young people to engage with culture and history. These can be important for developing learning and shaping identity. The project provides a significant opportunity to develop these opportunities for children and young people and for the wider heritage sector to be more inclusive of children and young people.

Changing Gears

Children in Scotland is also working with Cycling Scotland on the Changing Gears project³⁰. Changing Gears will ensure that children and young people's views are heard in Cycling Scotland's ongoing development as an organisation. So far, we have worked with the online co-design team to develop the project and over the coming months will engage with more children and young people to report to Cycling Scotland.

The project will provide an opportunity for child and young person-led solutions to increase cycling participation and make the roads safer for all.

Special Protection Measures

The UNCRF lays down the rights of children who are in custody or detention, who are migrants, refugees or asylum seekers or who are victims of torture, trafficking, sexual exploitation, drug abuse or child labour. Topics discussed during the webinar included:

- *Refugee, migrant and asylum-seeking children*

²⁸ <https://childreninscotland.org.uk/wp-content/uploads/2020/02/Health-Inequalities-Report-Chris-Ross.pdf>

²⁹ <https://childreninscotland.org.uk/living-museums/>

³⁰ <https://childreninscotland.org.uk/cycling-scotland/>

- *Child justice system*
- *Child victims and witnesses of crimes*
- *Children in armed conflict*

You might want to think about these or other examples when answering the following questions.

Q: Would you like to answer questions on special protection measures?

- Yes
- No

Q: How well do you feel the Scottish Government and public bodies including local authorities, education, health, social work and the police are ensuring the protection of children who are subject to special protection measures?

Bairn's Hoose

Children in Scotland has been pleased to see the trial of the Bairn's Hoose project by Children 1st³¹. Based on the Barnahus model of child justice, the project aims to ensure that victims and witnesses of abuse and violence get trauma-sensitive support throughout their interaction with the justice system. Children in Scotland agrees with partners across the sector that this has the potential to transform the justice system and improve how we support children and families.

Children 1st and others have highlighted the impact of contact with the justice system and the lack of support children and families often experience when doing so. Setting up a Bairn's Hoose in Scotland provides an opportunity to develop a new system that is underpinned by children's rights. We will be supporting the roll-out of Barnahus in Scotland over the coming years.

Minimum Age of Criminal Responsibility

Children in Scotland supported measures to increase the minimum age of criminal responsibility brought forward in 2019. The Age of Criminal Responsibility (Scotland) Act 2019 increased the age up to 12, however we believe that this did not go far enough. International best practice now suggests that the minimum age of criminal responsibility should be raised to 16.

Children in Scotland believes that the Scottish Government should consider further increasing the age of criminal responsibility in Scotland and look to extend it to at least 14 with the intention of increasing it to 16 over the coming years.

³¹ <https://www.children1st.org.uk/who-we-are/news/blog/time-to-realise-children-s-right-to-justice-and-care/>