



## **Response to Consultation on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024: Statutory Guidance on Part 2 and 3, section 18**

**May 2024**

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### **About Children in Scotland**

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.

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Children in Scotland is pleased to respond to this consultation on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024: Statutory Guidance on Part 2 and 3, section 18. This response builds on our campaign efforts to incorporate the UNCRC into Scots Law and our continued support for the Scottish Government in the lead up to the UNCRC (Incorporation) (Scotland) Act coming into effect.

Children in Scotland is a rights-based organisation, we work closely with our members, sector partners and children and young people to ensure the rights enshrined in the UNCRC are protected and fulfilled to the maximum extent possible. Alongside many of our members and colleagues in the children's rights sector, we welcome the publication of the Part 2 and Part 3 statutory guidance as a step towards bringing UNCRC incorporation to life in Scotland.

With incorporation coming into effect in the coming months, we welcome any actions taken to prepare public authorities and relevant organisations for understanding their duties under the Act. The Part 2 and Part 3 guidance provides significant detail on who is required to comply under the Act, what their requirements and duties are, and how the Scottish Government will utilise the Act to better children's access to their rights. The guidance provides mostly accurate information for legal and policy experts to support compliance with the duties their organisations may have under the Act.

We do, however, have some concerns around the length, accessibility and complexity of the proposed information. We believe that this may limit how some organisations that have compatibility duties under the Act will engage with the guidance.

Children in Scotland staff delivering our Supporting the Third Sector Project hosted a consultation session with staff from Scotland's Third Sector Interfaces (TSIs) in order to inform our response to this consultation. Staff from the TSIs told us that more accessible versions of the guidance are required in order to reach organisations with limited capacity to deliver on their compatibility duties. While there was a genuine excitement and understanding of the strengthening that incorporation will bring to children's rights in Scotland, many members had concerns around the lack of accessible support available for third sector organisations.

Children in Scotland staff delivering Enquire, Scotland's national advice and information service for additional support for learning, and My Rights My Say, a service we are partners in which supports 12–15-year-olds with additional support needs to fulfil their rights and be heard in decisions about their education, also shared concerns around the accessibility of the guidance. Service users frequently share the difficulties in accessing redress under the current education system. New guidance supporting organisations and individuals to deliver on their UNCRC requirements and duties needs to ensure that the current systems are not further complicated as a result. My Rights, My Say have submitted a whole service response to this consultation, and we ask that the Scottish Government considers their submission closely alongside this response.

Our response to this consultation expresses these concerns relating to different sections of Part 2 and Part 3 guidance as well as highlighting where the guidance delivers succinct and clear information. We fully support the Scottish Government to develop the appropriate guidance to all who will require it and will continue to work with them, our members and sector partners to deliver for children's rights in Scotland.

**1. I have read the statutory guidance on Part 2 of the UNCRC Act**

Yes

**2. Section 3, 'Background and introduction to the UNCRC Act', provides sufficient information on the UNCRC and the background to incorporation.**

Agree.

**Please give us your views.**

Children in Scotland believes Section 3 of the guidance provides adequate information on the UNCRC, effectively describing the key role that the UNCRC plays in affirming and articulating the significance of human rights for those under 18 years of age.

The background to incorporation of the UNCRC helpfully outlines examples of existing Scottish policy and legislation that has aimed to give effect to rights included in the UNCRC, demonstrating where public authorities already operate to fulfil aspects of their UNCRC requirements.<sup>1</sup>

Section 3 could benefit from including the role of children and young people, the third sector and campaign groups in advocating for the incorporation of the UNCRC and placing it on the policy agenda of Scottish Ministers. Not only do these groups deserve recognition in the statutory guidance, but their inclusion would also help demonstrate the broad support for UNCRC incorporation beyond Scottish Ministers and the Scottish Government. Doing so could contribute to improving the culture of children's rights in Scotland, as intended by the Act itself.

We also support calls from sector colleagues working with pre- and non-verbal children and young people to ensure that reference to "voice" in the guidance is clarified to include all forms of expression.<sup>2</sup>

**3. Section 3.4, 'Meaning of UNCRC requirements', clearly articulates what is meant by this in relation to the section 6 duty.**

Agree.

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<sup>1</sup> Scottish Government (2024), [Statutory guidance on part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 7.

<sup>2</sup> Scottish Government (2024), [Statutory guidance on part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 8.

### **Please give us your views.**

The guidance outlined in Section 3.4 succeeds in clearly articulating the definition of 'UNCRC requirements'. It also benefits from further articulating that some articles included in the convention have been removed from the Act due to their interference with reserved matters outside the competence of the Scottish Parliament. The inclusion of the fact that 'UNCRC requirements' includes the rights laid out in the first and second optional protocol in addition to the UNCRC itself could strengthen the utility of the guidance.

The guidance makes explicit mention to the fact that the UNCRC requirements as outlined in the Act apply across the entire system of the Government, public administration, third and independent sectors "where they too meet the definition of a public authority as defined in sections 6(5), (6), (7) and (8) of the Act."<sup>3</sup> While we recognise that this is covered more extensively in section 4.3 of the guidance, making this definition clear early in the guidance would benefit organisations that are considered to meet the definition of a 'public authority'.<sup>4</sup> Moreover, the extent to which the guidance can be considered to give a clear and articulate explanation of who is considered to meet the definition of a 'public authority' can only be decided following an examination of section 4.3 of the guidance, as this consultation response does in a later question.

### **4. Section 4.2, 'Remedies for unlawful acts (sections 7 to 10)' is useful.**

Agree.

### **Please give us your views.**

Section 4.2 provides a useful guide to the remedies available for unlawful actions committed under the UNCRC (Incorporation) (Scotland) Act.

The guidance outlines the three sections of the Act that contain the processes through which children can seek remedy, and valuably focuses on the implications of these remedies on public authorities. The introductory section of sections 7 to 10 would benefit from including that both acts and failure to act apply under the compatibility duty. Currently in the introductory section reference is only made to authorities who 'acted or intend to act' incompatibly.<sup>5</sup>

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<sup>3</sup> Scottish Government (2024), [Statutory guidance on part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 10.

<sup>4</sup> Scottish Government (2024), [Statutory guidance on part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 16.

<sup>5</sup> Scottish Government (2024), [Statutory guidance on part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 13.

The guidance is clear about the preference for issues and disputes seeking remedy via the Act to be addressed without court proceedings and points those using the guidance towards developing child human rights-based approaches to their practice, including the development of child-friendly complaints procedures and advocacy.<sup>6</sup>

As a member of Together (Scottish Alliance for Children's Rights), we support calls made in their submission to this consultation requesting that the guidance emphasises the fact that there is no requirement for those seeking remedies to exhaust all other options before seeking judicial remedies via the courts. We agree that to do so could create additional barriers for children in accessing justice for breaches of their rights.

Section 4.2 also points to the Scottish Public Services Ombudsman's child-friendly complaints process guidelines that will support children and caregivers to resolve rights complaints outside the courts and which is yet to be published. The statutory guidance could benefit from incorporating these child-friendly guidelines when they are published or making a more explicit reference to this, as well as referencing other useful non-statutory guidance. This could include guides similar to child friendly complaints procedures developed by UNICEF.<sup>7</sup>

The remainder of section 4.2 outlines the key aspects of seeking remedies for unlawful acts including information on the general proceedings, restrictions of general proceedings of seeking remedies, judicial remedies and the child's view on the effectiveness of reliefs. While we do consider the information contained in this section to be useful, restructuring this section to draw attention to the key information would make the section easier to understand. We suggest that headings around the 'sufficient interest to raise proceedings', 'time limits on raising proceedings' and 'audit trails' would present the information in a more instructive manner.

### **Section 4.3.2 'Definition of a public authority' is clear.**

Disagree

#### **Please share your views.**

We believe section 4.3.2 of the guidance lacks clarity and presents an overly complex process for organisations to determine whether they are included in the definition of a public authority or delivering functions considered of a public nature. Given that defining whether an organisation is considered either a public authority

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<sup>6</sup> Scottish Government (2024), [Taking a children's human rights approach: guidance.](#)

<sup>7</sup> UNICEF (2019), [National Human Rights Institutes Series: Tools to support child friendly practice. Child Friendly Complaints Mechanisms.](#)

or operating in a public nature is necessary to determine compatibility duties under the Act, the guidance needs to be accessible and easily understandable to a wide audience of stakeholders.

The presentation of the guidance itself could firstly be improved by presenting the definition of a public authority prior to defining functions of a public nature. As public authorities include those delivering functions in a public nature or delivering services on behalf of a public authority, a more logical order would allow organisations to consider the different aspects that define a public authority and therefore whether they have the associated compatibility duties.

The 'Application to Private, Voluntary and Independent Sector' summary should exclude the point that states 'It will ultimately be for the courts to determine whether or not a function is public'.<sup>8</sup> This conveys a punitive tone that may not support private, voluntary and independent sectors to meaningfully engage with their duties under the Act and which is not fitting with the aim to develop a positive children's rights culture across Scotland. The guidance should instead offer accessible and digestible guidance that private, voluntary and independent organisations can meaningfully engage with.

As highlighted in our introduction, Children in Scotland consulted with staff from the Third Sector Interfaces on Part 2 of the draft guidance, as part of the Supporting the Third Sector Project. Our session included representatives from 16 different local authorities. During the session, we asked the group about the given definitions of 'public authority' and 'functions of a public nature'.

Members of the group shared that while the definitions included in the draft guidance were sufficient for their own understanding, they had considerable concerns for smaller and newer third sector organisations within their local authority. Many described the definitions as overly complex, particularly the 'functions of a public nature' definition.

Members expressed their support for more accessible forms of information than the current guidance offers, that could succinctly communicate the key messages. This was considered vital in order to engage organisations with a limited capacity that would struggle to engage with the guidance given its length and complex content.

They shared that resources to allow Third Sector Interfaces to deliver local training and support could be beneficial in helping third sector organisations to understand their duties under the Act. Some pointed to current local engagement work around The Promise and The Whole Family Wellbeing Fund that had been effective, including developing easy read versions of information and in-person learning events. Members believed that these approaches could also be adopted to support third sector and independent organisations understand their compatibility duties.

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<sup>8</sup> Scottish Government (2024), [Statutory guidance on part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 18.

**5. Section 4.3.1 'Definition of functions of a public nature' is clear.**

Disagree.

**Please give us your views.**

Please refer to our response to question 4.

**6. Section 4.4, 'Explanation of the duties on public authorities in Part 2, section 6' clearly explains the nature of the section 6 duty on public authorities, including clearly articulating that the section 6 duty applies only when a public authority is carrying out devolved functions conferred under Acts of the Scottish Parliament or common law powers.**

Agree.

**Please give us your views.**

Section 4.4 does provide key information that explains the duties on public authorities, as laid out in part 2, section 6. In the introductory paragraphs, section 4.4 again highlights the value in organisations adopting a child rights-based approach to their obligations under the Act and their wider work to ensure compatibility with their duties.<sup>9</sup> We welcome the inclusion that states nothing in the guidance should be interpreted as preventing a public authority from acting compatibly when carrying out functions relating to children. This adequately reflects the Scottish Government's commitment to establishing a culture of children's rights across all functions of government and public administration, an integral aspect of what UNCRC incorporation hopes to achieve in Scotland.

We also welcome that section 4.4 includes 'failures to act' as an action that can result in incompatibility and believe the earlier sections of the guidance could be improved with this inclusion.

The definition given in the section to 'relevant function' is comprehensive and refers to the language used in the Act itself.<sup>10</sup> Whilst this does provide useful legal context to understanding what constitutes a 'relevant function' and therefore to identify when an action or failure to act is considered incompatible, the information included is lengthy and complex.

To support organisations to understand their duties under the Act, as is the aim of the Part 2 guidance, this section could benefit from including a simplified version of

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<sup>9</sup> Scottish Government (2024), [Statutory guidance on part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 19.

<sup>10</sup> Scottish Government (2024), [Statutory guidance on part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 19.

information that communicates the key information in a more accessible format. The summary version included at the end of the section effectively communicates the key points.<sup>11</sup> Expanding on this summary and placing it before the more detailed explanation could support a more accessible read for organisations who are required to understand their duties.

## **7. Annexes A.1 – A.5, ‘Clarification of conceptual aspects of the UNCRC’ are clear.**

Disagree.

### **Please give your views**

Annex A offers some clarification on the conceptual aspects of the UNCRC. It provides an overview of important information relating to the general principles of the convention and detail of the four articles that make up the general principles. The flow chart demonstrating the human rights obligations is also effective in demonstrating the connections between the obligations and actions.<sup>12</sup>

The section that aims to provide clarification on the legal concepts of the UNCRC lacks clarity and could be presented in a more logical order. The concept of progressive realisation includes maximum available resources, minimum core obligations and non-retrogression, which are mentioned and explained later in the annex. Including these concepts under the heading ‘Progressive Realisation’ would allow for a more accurate reading of the UNCRC legal concepts.

The annex in general is lengthy and complex at points and we advise the Scottish Government to consider referencing or consulting more accessible resources that effectively clarify the conceptual aspects of the UNCRC including those developed by the Children and Young People’s Commissioner for Scotland.<sup>13</sup>

## **8. Annexes B.1 – B.4 ‘Sources to guide interpretation’ are useful.**

Agree.

### **Please give your views**

Annex B provides a useful guide and set of resources to guide interpretation of the UNCRC. Throughout the annex we would advise that terminology that refers to the UNCRC remains consistent to avoid confusion with other human rights treaties mentioned throughout the guidance.

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<sup>11</sup> Scottish Government (2024), [Statutory guidance on part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 21.

<sup>12</sup> Scottish Government (2024), [Statutory guidance on part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 26.

<sup>13</sup> Children and Young People’s Commissioner Scotland, [www.cypcs.org.uk/rights](http://www.cypcs.org.uk/rights), (accessed 07/05/2024)



**9. Annex C, 'Framework for Reviewing Compatibility (s.6 duty)' is presented in an accessible manner, e.g. the content, style, and length make this a user-friendly and practical resource.**

Neither agree nor disagree.

**Please give us your views.**

While much of Annex C is presented in a clear and accessible manner, various sections would benefit from further clarification, restructuring and signposting to improve the user-friendly presentation of the framework.

The segregation of the framework into the three clear sections, as outlined in the introduction of Preparation, Review, and Consideration of actions, is positive and supports the overall accessibility of the framework. The introduction also includes a useful clarification of 'what does compatibility with UNCRC requirements mean' that could be used in earlier sections of the part 2 guidance including sections 3.4 and 4.4.<sup>14</sup>

Under the section of Annex C that describes 'Who this framework is for: functions of a public nature' we suggest that the framing is deliberately inclusive of organisations who may only have a duty to report over some aspects of their work.<sup>15</sup> This could include private, independent and third sector organisations who deliver some projects or contracts on behalf of public authorities but may operate other streams of work not considered as functions of a public nature. These organisations may wish to undertake a Compatibility Review Framework to improve best practice across all functions of their organisation and should be encouraged to do so in the guidance.

Annex C makes clear links between the compatibility review framework and other forms of rights compatibility reviews, including Children's Rights Impact Assessments (CRIA), and encourages further explanation as to how the Compatibility Review Framework and existing review assessments can or will interact.<sup>16</sup> This will support organisations to better understand when it is appropriate to use a CRIA, and when to complete the compatibility review framework.

During our consultation session with TSI staff, attendees expressed confusion about the role of CRIs within the statutory guidance. Members were unsure if CRIs were to be included as part of the compatibility review and whether they were therefore

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<sup>14</sup> Scottish Government (2024), [Statutory guidance on part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 35.

<sup>15</sup> Scottish Government (2024), [Statutory guidance on part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 36.

<sup>16</sup> Scottish Government (2024), [Statutory guidance on part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 37.

now considered a legal requirement for relevant organisations. Clarification on this would further benefit Annex C.

We welcome the inclusion in Annex C of the circular nature of the compatibility review framework and the emphasis that the framework is not a linear process. This addition supports the view Children in Scotland shares with the Scottish Government that a child rights approach is a continuous and holistic process.

While the inclusion of C.1.3 'Views of children and their parents, carers and families on the measures or functions' is a necessary component of an effective compatibility review framework, we believe that more explicit links to the fulfilment of Article 12 of the convention could be included here to further demonstrate the circular and holistic nature of adopting a child rights-based approach.<sup>17</sup> Inclusion of resources and guidance to support organisations to meaningfully include the views of children would be beneficial, such as Children in Scotland's 'Meaningful Participation and Engagement of Children and Young People - Principles and Guidelines'.<sup>18</sup>

## **10. I clearly understand how to use the Compatibility Review Framework.**

Agree.

### **Please give us your views.**

In addition to the points presented above referring to the Compatibility Review Framework, the framework itself presents several instructive components across all three sections. The inclusion of question lists, checklists and flow charts will all support organisations to make effective use of the framework and to deliver clear actionable outcomes.

The table format used in section C.2.2 is particularly effective in clearly laying out the key articles to consider when completing the Compatibility Review Framework.<sup>19</sup> The summary of steps that public authorities may wish to consider towards the end of the framework may be best presented in a similar table format to C2.2 in order to collate and focus actions that public authorities should take after completing their compatibility review.

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<sup>17</sup> Scottish Government (2024), [Statutory guidance on part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 42.

<sup>18</sup> Children in Scotland (2022), [Meaningful Participation and Engagement of Children and Young People: Children in Scotland's Principles and Guidelines](#).

<sup>19</sup> Scottish Government (2024), [Statutory guidance on part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 46.

**11. Overall, the guidance is presented in an accessible manner, e.g. the content, style, and length make this a user-friendly and practical resource.**

Neither agree nor disagree.

**Please share your views.**

As outlined in the above questions, there are some aspects of the guidance overall that are suitably accessible and user-friendly, however, the guidance can be strengthened considerably through further clarification, restructuring and signposting.

**12. Overall, the guidance supports an improved understanding and ability to fulfil the duties under Part 2 of the Act.**

Neither agree nor disagree

**Please share your views.**

The guidance provides a sound explanation as to many aspects of the UNCRC itself, the UNCRC requirements and compatibility duties.

As outlined above, we have concerns about several sections. The guidance offers a positive starting point for interpreting duties under Part 2 of the Act, however, more action is required to communicate the guidance to all those who require the right information and knowledge to bring life to incorporation.

**13. Are there any areas where you think the Part 2 guidance could be improved? Please cite specific parts of the guidance if relevant.**

**Please give us your views.**

We ask that the Scottish Government refers to the consultation submitted by Together (Scottish Alliance for Children's Rights) when considering the technical legal framing of the UNCRC throughout the guidance.

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**14. I have read the draft statutory guidance on Part 3 (section 18) of the UNCRC Act.**

Yes

**15. Section 4, 'Reporting duties of listed authorities' is sufficiently clear on the reporting requirements under Part 3 of the Act.**

Agree.

**Please give us your views.**

Section 4 mostly provides sufficiently clear information on the reporting duties of listed authorities under Part 3 of the Act. There are several areas of this section that could benefit from further clarification and detail.

Providing a clear timeline in terms of the reporting cycles and due dates from the date of incorporation would provide clarity as to when public authorities are expected to begin the process of developing Children's Rights Reports. The instruction for listed authorities to begin development 'as soon as practical' is vague.<sup>20</sup> Given that submitting Children's Rights Reports will become a legal duty for public authorities' clear expectations would be a valuable addition to the section 4 guidance.

While the examples of Local Outcomes Improvement Plans and Children's Services Plans given in Section 4.2 to demonstrate sources of evidence that can be considered baseline information are useful, both are information sources operated by and predominantly including public sector authorities.<sup>21</sup> Examples of sources that could be utilised by private, independent and third sector organisations would be valuable.

We welcome the inclusion of section 4.3 and the guidance on children and young people's participation in developing Children's Rights Reports and the signposting to the Scottish Government's guide to involving children and young people in decision-making. Children in Scotland's 'Meaningful Participation and Engagement of Children and Young People - Principles and Guidelines' are included on this guide. We ask that the most current 2022 version of the Principles and Guidelines are updated and included on this guide.<sup>22</sup>

Section 4.5 provides clear information on the requirement to create a child-friendly version of the report and rightly includes a non-prescriptive approach to what this

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<sup>20</sup> Scottish Government (2024), [Statutory guidance on part 3 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 7.

<sup>21</sup> Scottish Government (2024), [Statutory guidance on part 3 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 8.

<sup>22</sup> Children in Scotland (2022), [Meaningful Participation and Engagement of Children and Young People: Children in Scotland's Principles and Guidelines](#).

could look like.<sup>23</sup> It also clearly links this requirement to the relevant articles under the UNCRC that providing child-friendly and accessible communications aims to fulfil. This section could benefit from signposting to examples of existing child-friendly reports to fully demonstrate the range of content and materials that can be produced to meet this requirement. These examples could include Together's 'Child friendly State of Children's Rights case files'.<sup>24</sup>

**16. Section 5, 'Publication requirements of reports' is sufficiently clear on the publication requirements under Part 3 of the Act.**

Agree.

**Please give us your views.**

Section 5 adequately presents the key information on the publication requirements under Part 3 of the Act. The guidance takes a non-prescriptive approach to information around publication of child-friendly versions, joint reports/publications and accessibility considerations, in keeping with the approach of section 4 indicating that there was no strict way to develop the Children's Rights Reports.

The section could benefit from further signposting, particularly regarding accessibility considerations. Existing resources, such as that published by Disability Information Scotland, could provide reporting authorities with tools to deliver accessible versions of their Children's Rights Report.<sup>25</sup>

We advise the Scottish Government to amend the language in section 5.4 on further engagement which states "authorities may wish to create opportunities for children (...) in the findings of the children's rights reports". While not a legal requirement, providing timely and accessible feedback to children and young people who have shared their views is a necessary requirement of meaningful children's participation. Language in section 5.4 should reflect this expectation and signpost organisations to resources that support the delivery of meaningful participation, including Children in Scotland's Participation and Engagement Guidelines.

**17. Section 6, 'Policy intention of children's rights reports under section 18 of the Act', clearly explains how the reporting process contributes to progressing children's rights.**

Agree.

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<sup>23</sup> Scottish Government (2024), [Statutory guidance on part 3 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 10.

<sup>24</sup> Together (2022), [State of Children's Rights Case Files Child-friendly version](#).

<sup>25</sup> Disability Information Scotland, [Training Resources and Publications](#), (accessed 07/05/2024)

### **Please give us your views.**

Section 6 clearly explains how the reporting process of children's rights reports contributes to progressing children's rights and the children's rights policy agenda. This section could be enhanced by signposting to resources and materials on Scotland's latest contribution to the UK's report to the UN Committee on the Rights of the Child. This will support authorities engaging with this guidance who are unfamiliar with the process to better understand how the process contributes to progressing children's rights in Scotland and across the UK.

### **18. Annexes B.1 – B.4 Frameworks for children's rights reporting are helpful.**

Agree.

### **Please give us your views.**

Annex B provides a range of frameworks to support children's rights reporting. The UNCRC clusters approach is clearly described, and its use helpfully outlined in the example reflective statements included in the annex.<sup>26</sup> We welcome this instructive approach to presenting the UNCRC clusters framework and would welcome similarly helpful demonstrations throughout the Part 3 guidance.

The GIRFEC Wellbeing Indicators framework is clearly described and sufficient information on the background of the approach is provided. The signposted Children's Rights Legislation Reference Guide is helpful in supporting understanding of the links between children's rights and wellbeing. The included diagram also helpfully demonstrates how articles of the UNCRC can be organised around the GIRFEC wellbeing indicators.

The inclusion of a list of other frameworks that organisations can consider to support their children's rights reporting is helpful and provides a range of approaches to reporting. While we welcome the inclusion of our Participation and Engagement Principles and Guidelines in the list of frameworks, we request that the most recent version of the principles and guidelines is included.<sup>27</sup>

While Annex B offers a list of helpful frameworks and demonstrations to support children's rights reporting, it is unclear how the processes described differ from those included in Part 2 of the guidance, namely the Compatibility Review Framework. We suggest that clear links are made between the two sets of guidance to ensure that

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<sup>26</sup> Scottish Government (2024), [Statutory guidance on part 3 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), Page 23.

<sup>27</sup> Children in Scotland (2022), [Meaningful Participation and Engagement of Children and Young People: Children in Scotland's Principles and Guidelines](#).

organisations are aware of all resources and information that can support them to review and report their compatibility with the Act.

**19. Annex C, 'Scottish Government use of children's right's reports', is clear.**

Strongly agree.

**Please give us your views.**

Annex C clearly and succinctly describes how the Scottish Government intends to use children's rights reports.

**20. The guidance is presented in an accessible manner, e.g. the style, length and content are useful in aiding implementation of duties in respect of the Act.**

Agree.

Most of the Part 3 guidance provides a clear and accessible guide to aiding implementation of duties in respect of the Act. Our response to the above questions relating to the Part 3 guidance demonstrate the areas we believe improvements can be made to enhance the accessibility and utility of the guidance.

**21. Are there any areas where you think the Part 3 guidance could be improved?  
Please cite specific parts of the guidance if relevant.**

Please share your views.

We advise that the Scottish Government reviews the consistency in terminology between the Part 2 and Part 3 statutory guidance that this consultation response is considering. Part 3 made consistent reference to 'listed authorities' which appears out of step with the definitions and descriptions used in Part 2 of the guidance.

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**For more information, please contact:**

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