

Agenda Item	6.
Report No	EDU/23/23

The Highland Council

Committee: Education Committee

Date: 23 November 2023

Report Title: Children's Rights and Participation – Progress on implementing The UN Convention on the Rights of the Child and The Promise

Report By: Executive Chief Officer, Education & Learning

1. Purpose/Executive Summary

- 1.1 This report provides a summary of actions taken and proposed within the Education and Learning Service to further children's rights within our schools, early learning, and childcare settings. It does not provide a complete overview of the work being supported across Highland as many other services and organisations are supporting children and young people in many ways, not reported here.
- 1.2 The 'rights of children' includes the rights and obligations set out in:
- [The United Nations Convention](#) on the Rights of the Child (UNCRC) which was adopted and opened for signature, ratification, and accession by the General Assembly resolution 44/25 of 20 November 1989.
 - The first optional protocol to the UNCRC on the involvement of children in armed conflict: Articles 1 to 6(1), 6(3) and 7.
 - The second optional protocol to the UNCRC on the sale of children, child prostitution and child pornography: Articles 1 to 10.
- 1.3 The actions to implement the UNCRC relate to universal and targeted services. There are specific actions in relation to Care Experienced children and young people and these are laid out in 'The Promise', which was the outcome of the [Independent Care Review](#) in 2016 with an aim to deliver lasting change in Scotland's 'care system'.
- 1.4 The Children and Young People Act (2014) requires public authorities to publish a report of what steps they have taken to secure better or further effect within its areas of responsibility in relation to the UNCRC every 3-years. The enactment of this requirement was delayed due to COVID but is now necessary for all local authorities. For further information on Children's rights and the UNCRC, Elected Members can access this resource created specifically with their role in mind. [Understanding Children's Human Rights.](#)

2. Recommendations

2.1 Members are asked to:

- i. Note the examples of progress to date and future actions proposed.
- ii. Note the information prepared specifically for elected members in relation to children's rights, and,
- iii. Agree to have in mind the rights of children and young people in consultations, discussions and decision making within this Committee, with specific consideration to care-experienced children and young people.

3. Implications

3.1 Resource

There are no additional resource implications relating to this committee report, although consideration of how resource is allocated and the impact it has could be best seen through a children's human rights lens.

3.2 Legal

- There is a legal duty for local authorities to report on Children's Rights in relation to the UNCRC within the Children and Young People's Act (2014).
- There is a legal duty for public sector bodies to promote equality and ensure non-discrimination of those individuals with protected characteristics as required by the Equality Act (2010).
- The UNCRC (Incorporation) (Scotland) Bill (2021) requires all Scotland's public authorities to take proactive steps to protect children's rights and gives children, young people, and their representatives a new ability to use the courts to enforce their rights. It is expected that the Scottish Government will legislate for children's rights and wider human rights in due course.
- Children with disabilities have the same rights and the same needs as other children. They are not only entitled to protection and assistance, but to full participation in society as part of the UN Convention on the Rights of People with Disabilities (2006).
- The Keeping the Promise Implementation Plan provides a framework for how we will better support care-experienced young people. The Scottish Government **intend to introduce a Promise Bill to make any further legislative changes required to keep The Promise by the end of the current parliamentary session.**

3.3 Community (Equality, Poverty, Rural and Island)

The UNCRC and The Promise have equal relevance to all children and young people regardless of their situation or place of residence. Council services do not discriminate in relation to socio-economic status or rurality and in fact often use discretionary powers to provide more favourable supports to these groups.

3.4 Climate Change / Carbon Clever

There are no specific issues relating to climate change in relation to the contents of this paper.

3.5 Risk

As a local authority we have a duty to Keep the Promise and to embed the rights of the child into our working practices, service delivery, financial decision making etc. The specific duties are laid out in the legislation cited above. Not to do so would impact the reputation of the Council, may breach legislation, and most importantly would deny children the rights conferred on them through a variety of legal frameworks and national guidance.

3.6 Health and Safety (risks arising from changes to plant, equipment, process, or people)

There are no recommendations within this paper that would directly impact Health and Safety.

3.7 Gaelic

The UNCRC and The Promise have equal relevance to all children and young people in Gaelic medium settings. The UNCRC upholds the right of all children to speak their own language. Resources to support the [UNCRC](#) and [The Promise](#) are produced in Gaelic.

4. UN Convention on the Rights of the Child

4.1 The [Convention on the Rights of the Child](#) sets out the human rights of every person under the age of 18. It was adopted by the UN General Assembly in 1989 and ratified by the UK in 1991.

4.2 The Convention has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social, and cultural rights that all children everywhere are entitled to. It also explains how adults and governments must work together to make sure all children can enjoy all their rights.

4.3 Every child has rights, whatever their ethnicity, gender, religion, language, abilities, or any other status. There are four articles in the Convention that are seen as special. They are:

- Non-discrimination (Article 2)
- Best interest of the child (Article 3)
- Right to life survival and development (Article 6)
- Right to be heard (Article 12)

4.4 The Education and Learning Service Plan that was approved at Committee in September, includes in its vision 'Entitlement, Excellence & Equity' and 'Relationships' as 2 main pillars that uphold children's rights.

In relation to Entitlement, Excellence & Equity, we commit to raise attainment and achievement for all, especially for children and young people from disadvantaged circumstances, including rural deprivation. We will focus relentlessly on improving standards and the quality of learning and teaching, to ensure that entitlement, equity, and excellence are delivered across the system.

In relation to Relationships, we commit to maximise health and wellbeing for all children and young people, to give them the best possible start in life. We will ensure every child and young person feels part of the community they live in.

- 4.5 There are a number of programmes used in Highland schools to promote children’s rights, including the UNICEF Rights Respecting Schools, in-house programmes such as My Rights to Wellbeing and Resilient Kids, and Scottish Government peer lead programmes such as Mentors for Violence Prevention.

Currently membership of the UNICEF Rights Respecting Schools Programme is free as this is funded through a Scottish Government grant. In Highland, in the past 12 months, 35 schools have registered for the award, 23 have achieved Bronze, 9 have achieved silver and 1 has achieved Gold. There are over 100 schools engaged in the RRS programme at some level.

- 4.6 Feedback from pupils through the Highland Lifestyle Survey demonstrates an increase in the numbers reporting ‘lessons’ on children’s rights over the past school year (2022-23):

So far during this school year, have you been involved in any lessons about children's rights?			
	2019	2021	2023
Never	45%	42%	27%
Once	23%	26%	25%
Twice	11%	11%	13%
More than twice	21%	21%	35%

Through the Highland Lifestyle Survey pupils also tell us that in general their rights are met:

To what extent do you feel the following rights are being met at least partly:			
	2019	2021	2023
Your right to education	95%	95%	96%
Your right to relax and play	92%	91%	91%
Your right to have a view and have this listened to	91%	91%	91%
Your right to be safe from violence	93%	93%	93%
Your right to the best possible health	94%	93%	95%

Pupils also indicate that they feel listened to in school although the percentages decrease from P7 to S4, possibly because as pupils get older, they have higher expectations. We would ideally be looking for a continuous increase in pupil participation in our schools:

Do you feel listened to in your school? (Responses from May 2023)		
Stage	Yes	No
P7	86	3
S2	69	8
S4	63	13

We will continue to monitor the views of pupils on these topics through our biennial Lifestyle Survey.

4.7 The UN Convention must be understood as a whole: all rights are linked, and no right is more important than another. However, there are 4 principles overarching the articles that provide a framework for us to consider 'how we are doing' in relation to implementing the UNCRC across the Education and Learning Service and can also give us guidance on what to consider as next steps.

4.8 **1. Embedding children's rights - Putting children's rights at the core of planning and service delivery.**

Our current work/strategic plans should explicitly link parts of our work to the UNCRC. This requires that leaders and staff have a good knowledge of children's rights (UNCRC), and they can understand how it can benefit them.

Examples of what we currently do:

- The Education and Learning Service Plan has specific actions to address inequality i.e., 'Local targets reviewed annually, monitored for poverty-related attainment gaps in schools.'
- The Highland Integrated Children's Services Plan has a Children's Rights and Participation Improvement Group, chaired by the Principal Educational Psychologist, that supports both the UNCRC and The Promise in the work we do in partnership with other organisations and services engaged in supporting children and young people.
- Over 100 schools are engaged in the Rights Respecting Schools Programme and create improvement activity around children's rights across the school as part of this work.
- Staff training on the UNCRC is included in an overall Equality, Diversity and Children's Rights training plan within the Psychological Services, which also includes training on positive relationships and bullying prevention. Training is offered through the year on set dates within the Staff Development Calendar but is also provided as bespoke training on request from individual schools and services.
- Work is ongoing within the Highland Council on a process for integrating the various Impact Assessments required, including Children's Rights and Wellbeing Impact Assessments. When concluded this process will ensure that all council services consider the impact of changes in policy and practice on children's rights.
- The Highland Council play coordinator has created a [survey](#) for children and young people, as well as parents, about what they want from playparks to inform future developments.
- Cawdor Primary School have been used as an example of best practice on Education Scotland's [Play Pedagogy Toolkit](#), supporting a child's right to play.
- [Equality, Inclusion and Diversity Guidance](#) for schools (INCLUDE) has been created by young people in Nairn Academy and is used as a self-evaluation tool by our schools.
- Our Early Years Educational Psychologist co-wrote [a paper](#) earlier this year on involving children in decisions relating to their health care needs, which was published in a national journal to impact national strategic decision making.

Our next steps will include:

- Being more explicit about where strategic decisions and service-wide activity relates to the UNCRC and map this onto the key articles.
- Greater use of Children's Rights and Wellbeing Impact Assessments both within the Education and Learning Service and across the wider Council Services.
- Mapping aspects of the curriculum onto the articles of the UNCRC through engagement in the Rights Respecting Schools Programme
- Further work on a play strategy across Highland, both in ELC and schools, but also in our communities
- Joint working with the Northern Alliance in relation to training, signposting to resources and support for further planning and development in schools.
- Continue to work towards 100% of schools using the Rights Respecting Schools Programme. To support this the Quality Improvement Manager has produced a Thinglink which can act as a one stop shop for schools with hyperlinks to UNICEF resources.
- Start collating Highland case studies on their Rights Respecting journeys and launch a Highland RRS clinic to provide a termly drop-in for RRS leads in schools.
- More schools using INCLUDE and other self-assessment tools to plan their next steps.

4.9 **2. Equality and Non-discrimination - ensuring that every child has an equal opportunity to be the best they can be.**

We should have a clear commitment to promoting equality and tackling discrimination against specific groups of children in our policies or plans, making sure staff have up-to-date knowledge of the Equality Act and receive regular training to increase their awareness of the needs of different groups of children and young people. We should also provide information to children on their rights in a language or format appropriate to their age and maturity, culture, or disability.

Examples of what we currently do:

- Information on Children's Rights is available in a [variety of languages](#) including BSL.
- Training on the Equality Act is available for all staff as highlighted above.
- Our Positive Relationships [Anti-Bullying Guidance](#) was created by young people from Skye and is in line with Scottish Government Guidance.
- A Highland bullying survey is available for schools to use to assess to what extent discrimination and bullying exists in their school, where and why. This can provide a baseline to measure the impact of anti-bullying measures put in place.
- An ASN strategic review is ongoing, supported by the strategic lead and Head of Service.
- Along with colleagues from the Northern Alliance, an LGBTI+ subgroup has been formed from the Equalities network to support practitioners, signpost to appropriate resources, and highlight training to support non-binary and transgender pupils.
- Data relating to the attainment and achievements of care-experienced children and young people is specifically tracked to ensure their particular needs are highlighted.
- We continue to work to reduce the poverty related attainment gap, but our data show a significant gap remains between our more affluent students and those who live in areas of deprivation.

- We have a dedicated workstream focusing on the specific circumstances of children from armed forces families within Education, as part of our duties with respect to the Armed Forces Covenant.
- A review of the use of specialist placements for children with ASN is ongoing to standardise decision making across Highland and ensure the presumption of mainstream as a first principle, as required by the Standards in Scotland's Schools etc. Act (2000).

Our next steps will include:

- Ongoing training to ensure all staff in all settings and at all grades have accessed training in equalities and children's rights at the appropriate level – universal/awareness, enhanced/targeted and skilled/specialist.
- Update as appropriate the ASN policies and guidance documents in line with Scottish Government Guidance.
- Ongoing monitoring of the data we gather on attainment, attendance, exclusions, and post school destinations to track the impact of specific interventions on various groups of children and young people who are more highly represented in these statistics.
- Widespread adoption of the '[Cost of the School Day](#)' self-evaluation and resources in all Highland schools to raise greater awareness of the impact of socio-economic disadvantage and mitigate the impact of poverty where we can.

4.10 **3. Empowering children - giving children the knowledge and confidence to use their rights and hold organisations to account.**

We should give children accessible information about how to use their rights when using our services. We should give children the information they need and the opportunities to influence decisions that affect them and give them the training or information they need to do this properly.

Examples of what we currently do:

- As above, information on rights is available in a number of languages and also in a number of formats, including [symbols](#).
- The Guide for Children and Young People on the UNCRC is included on the C/YP section of the [Wellbeing Highland Website](#).
- Programmes such as Rights Respecting Schools, My Rights to Wellbeing, Resilient Kids, Mentors for Violence Prevention etc, provide children and young people with clear information on their rights and how to access these at various ages and stages.
- Partnership working with groups such as Highland One World provide resources and training to support the Sustainable Development Goals and to engage with children and young people on topics that are important to them.
- All children in secondary school are aware that they can self-refer to counselling services.
- All children in secondary school are provided with information and the process relating to their right of appeal if they are the subject of an exclusion from school.
- Regular engagement with the Highland Youth Parliament enables their views to be sought and represented and engagement with HYP representatives annually at their conference allows for ongoing dialogue and feedback.
- The Principal Educational Psychologist recently recorded a session on Elegant Challenge, to provide members of the HYP Executive with the skills to be able to engage appropriately with adult decision makers.

- Work is ongoing within Highland Council on a child friendly complaints procedure within the guidance provided by the Scottish Public Services Ombudsman in readiness for the incorporation of the UNCRC into Scots Law, which is intended to give children of all ages a right to complain about services they receive, and decisions made that impact them.

Our next steps will include:

- Further guidance on complaints, appeals and how to challenge and hold services to account will be provided to children and young people in line with the expectations of the UNCRC as it is incorporated into Scot's law. This will include information in different formats and different languages.
- A framework for a Children and Young People's charter has already been created for Highland. Further work will be undertaken through the Children's Rights and Participation Improvement Group to operationalise this framework.

4.11 **4. Participation - listen to children and take their views seriously (as guaranteed by Article 12 of the UNCRC).**

We should listen to children and young people and use the information they give us and identify where there are gaps and opportunities for this, especially from marginalised groups. We should involve children directly in the design, monitoring and evaluation of services they receive.

- All schools have pupil councils that they engage with and listen to, to shape decision making at a school level.
- We monitor the views of pupils and their experiences through the biennial Lifestyle Survey, to track the impact of our actions.
- Partnership with organisations such as Inspiring Young Voices, youth groups, young carers' organisations, Growing2gether etc, provide direct support and advocacy for children and young people who are often marginalised. They support specific groups of children and young people to access their rights and represent their specific needs within Highland Council strategic groups.
- The Psychological Service plan has been shaped by a number of focus groups held with young people in schools and youth groups providing feedback on what they felt such a service should provide.
- A partnership steering group which reports to the Integrated Children's Service Planning Board has been established to develop and implement a Participation Strategy with a range of children and young people. This will draw on previous work undertaken in relation to a Children and Young People's Charter as noted above.
- The Psychological Service has pulled together a range of resources, including ideas from the Speech and Language Therapy Service and Highland Children's Forum, to create a document that has been promoted by Education Scotland [Tools for Gathering the Views of Children and Young People](#) This gives guidance to those wishing to gather the views of children, especially those who require different approaches due to their learning and sensory needs. Training has also been provided on the use of this guidance to several staff groups over the past academic session.
- Pupils from several of our schools have collaborated with officers to create 'Our SHANARRI School', which is a self-evaluation tool that can be used with pupils to provide a baseline for schools on pupil wellbeing, before initiating any support programme. This tool can be found on the [Wellbeing Highland website](#).

Our next steps will include:

- The Participation Strategy will be completed and will provide a framework for gathering the views of a wide range of children and young people across Highland, including the Education and Learning Service. The information provided by children will then be able to shape decision making and strategic planning in services.
- We could more widely apply the [Lundy model](#) as an approach for engaging in more meaningful participation with children and young people.
- We will continue to monitor the views of pupils in P7, S2 and S4 through the Highland Lifestyle Survey and follow the trends in views, to provide feedback to services, that can inform decision making and strategic planning.
- Resources to support schools and ELCs in engaging and participating with pupils will be added to and highlighted to staff to ensure wider pupil participation at all levels.

5. The Promise

- 5.1 The Care Review listened to over 5,500 experiences of those living and working in and around the 'care system' to properly understand what needed to change. It concluded in 2020 with the publication of [seven reports](#), one of which was [The Promise](#). The Promise received cross party, political commitment and has continued to do so since its publication. Organisations, institutions, bodies, communities, and groups across Scotland pledged to **#KeepThePromise**.

The Scottish Government agreed that The Promise Scotland's Plan 21-24, was the first step towards full implementation. Since then, [Change Programme One](#), the Scottish Government's implementation plan and the [Promise Oversight Board Report 1](#) and [Report 2](#) have been published.

- 5.2 [The Promise Oversight Report 2](#) has specific asks of Education.
- School improvement plans should outline the promise commitments.
 - Provide practical support for improved engagement and educational outcomes.
 - Improve post-school destinations.
 - Ensure clarity on roles and responsibilities and improved partnership working.
 - Ensure actions are taken to deliver the target of no more school exclusions for care-experienced children.
 - Reliable implementation of good practice at scale.
 - Implementation of measures to tackle poverty.
 - Provision of school-based counsellors and therapists.
 - Additional next steps identified in the Children's Services Review

5.3 What we are already doing:

- Several schools and Education officers have been attending the monthly 'Promise Café' which is an online partnership engagement open to all who are interested in sharing how Highland is #KeepingthePromise. The ambition of the Café is to create a safe, trauma informed, collaborative space for all partners to share areas of good practice as well as consider areas of challenge.
- Several staff and officers from Education and Learning have signed up to be Promise Ambassadors and to therefore promote the principles and values of The Promise in their working practices.
- How we talk about care matters, but this requires change across and within our systems. A working group have supported the development of a 'Language Bin' where input from the workforce, families and young people reflected the words

they would like to 'bin' and where possible, suggest alternatives. Education staff within the Psychological Service have participated in this work and have reviewed their own processes and language used in recording case notes and writing reports.

- Highland & Moray developed and launched four new Practitioner Guides for Panel Members, Social Workers, Reviewing Officers and Children's Reporters in Highland and Moray. The guides emphasise good practice before, during and after meetings to ensure that the voice and views of young people are at the heart of practice and support, with emphasis on greater Voice, Choice, and Participation. These guides are currently being evaluated. This complements work being undertaken by the Psychological Service to research the decision-making process and views of children in meetings, which will be able to be incorporated into refreshed training on running effective solution focused meetings within the Practice Model refresh.
- The shared ambition of the Scottish Government and COSLA is to develop a trauma informed workforce across Scotland. The aim of this work is to ensure we deliver services in ways which prevent further harm or re-traumatisation for those who have experienced psychological trauma or adversity at any stage in their lives. On 30th June 2022, Highland Council members committed to implementing trauma informed practice across all Council services.
- Developing a trauma informed workforce is a key priority of The Promise. But the agenda holds much greater relevance than just the Promise. There is growing evidence that trauma-informed systems and practice, where the impact of trauma on those affected is understood by staff, and systems are adapted accordingly, can result in better outcomes for people affected by trauma. We acknowledge that many of our workforce will also be affected by trauma. Consequently, by improving our understanding and knowledge as to how trauma can affect people, we will be better equipped to recognise and support staff within the working environment.
- Since the Executive Leadership Team session on 'Trauma is Everyone's Business' in June 22, a number of senior managers have attended STILT: Scottish Trauma in Leadership Training'. Further progress has been made through the Trauma Champion (steering group) network which is governed through the Mental Health Delivery Group.

5.4 What we need to do next:

- Improve communication on Highland's vision to Keep The Promise and offer Promise Engagement sessions to Education staff as part of a programme of work. (Online sessions have been delivered to Health and Social Care staff and feedback suggests these sessions have been successful and so a model exists for this.) A launch event to be planned in the New Year.
- Work in schools on how notes, minutes of meetings and incidents are recorded to ensure the language becomes more trauma informed and respectful of children, young people, and families.
- Gather information to assess where schools and wider Education and Learning Services are in 'Keeping The Promise' in Highland so that support for staff can be tailored to their needs.
- Work in partnership with Health and Social Care, NHS Highland, voluntary and 3rd sector organisations, through the Promise Board (where there is already representation from a Head of Service and Psychological Services) in our collective efforts to Keep The Promise. This will provide clear governance for a plan to support education staff and schools.

Designation: Nicky Grant, Executive Chief Officer, Education and Learning Service

Date: 2 October 2023

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Background Papers: Appropriate additional papers are provided by hyperlink throughout this paper.

Appendices: n/a