



## **Part 1 and Part 3 Guidance (Child Rights Reporting and Children's Services Planning)**

### **Children and Young People (Scotland) Act 2014**

#### **Written Evidence from YouthLink Scotland**

*June 2016*

#### **About YouthLink Scotland**

YouthLink Scotland is the national agency for youth work. We are a membership organisation, representing over 100 regional and national youth organisations from both the voluntary and statutory sectors. We champion the role and value of youth work and represent the interests and aspirations of our sector.

Scotland's youth work sector is as rich and diverse as the nation itself. Our sector has a workforce in excess of 80,000 – including over 75,000 adult volunteers. We reach in excess of 380,000 young people in youth work opportunities each week. The youth work sector work has three essential and definitive features:

- Young people choose to participate
- Youth work must build from where young people are
- Youth work recognises the young person and the youth worker as partners in a learning process

The activity, venue, and approaches utilised to deliver this are varied – and include youth clubs, youth projects, specialist or targeted provision, social activism, outdoor learning, awards programmes, uniformed organisations, and democratic participation.

YouthLink Scotland champions the role and value of youth work, challenging government at national and local levels to invest in the development of the sector for the benefit of our young people. Our vision is of a nation which values its young people and their contribution to society, where young people are supported to achieve their potential.

#### **About this Response**

This response is made on behalf of the youth work sector and our membership. This response does not claim to be the position of any one individual member or of all member organisations. Individual member organisations may hold views which differ from the perspectives presented here. This is not the response of young people, but of youth work professionals who work with and for young people.

## **PART 1 – RIGHTS REPORTING**

YouthLink Scotland welcomes the publication of draft guidance on Rights Reporting duties for public bodies.

### **Qu. 1 Is there sufficient information on the UN Convention on the Rights of the Children and child rights-based approaches to support an understanding of the Part 1 (section 2) duties under the 2014 Act?**

YouthLink Scotland believes that this guidance will support public authorities in developing their understanding and responsibilities as duty-holders for the UNCRC. We do however believe that more prominence is required within the guidance to either include the full text of the convention or to highlight that the URL in **Point 12** is to the full text convention. It would be a danger to continue to build knowledge based on inadequate article summaries. There is a danger that the use of article summaries in the appendices do a disservice to the entirety of the rights afforded to children and young people. For the purpose of public body reporting on the furthering of UNCRC this must be based on understanding of the full article, and where appropriate drawing attention to the role, function and purpose of General Comments.

The rights of young people, up to age 21, who have been looked after or in care, are protected and promoted by the Children and Young People's Commissioner Scotland – it would be beneficial for this guidance to address whether the reporting duty on public bodies should also extend to this cohort of young people.

### **Qu. 2 Is the suggested framework for reporting on children's rights helpful?**

We welcome the use of the cluster model for public body reporting, which mirrors the state reporting process. Making connections to other plans is also important for a number of reasons – but we would not like to find child rights reporting is appended to plans or appears to be a secondary purpose of plans. If plans are to be linked then they must meet the full requirements and purpose of each single plan. Having child-rights based plans (children's service/corporate parenting etc.) would be an effective means of evidencing the public duty – but may not in their own right replace the requirement for child rights reporting plans.

### **Can you suggest other information or details that would be useful?**

- We would like it to be more explicit that the General Principles (Articles 2,3,6,12) should be cross matched throughout the cluster framework and not stand alone.
- We would be cautious regarding the example contained in **Point 77** regarding the responsibility for alternative care being the “core responsibility of a local authority” – particularly when public bodies now have responsibilities as corporate parents.
- At the start of each cluster, article summaries have been used – and as per the point raised in Question 1 we would like to see a link made to the full article text – and to remind the reader that these are article summaries and therefore in their shortened form do not adequately meet the reporting and duty holder responsibilities.
- The reflective statements whilst useful are all positive statements, and we would suggest that these be re-positioned as challenge questions. There is a risk that the first set of plans

will simply cherry pick from the reflective statements and the meaning and intention of the process being de-valued. If they are questions they will create the need to ask the follow on questions that are set out in **Point 81** – and will be connected to the need for evidence and the views and experiences of children and young people.

- We have concerns that child rights reports will be child services focused, and that the meaningful contribution of others teams, services or departments within public bodies may be missed from the reporting process. For example the role of Planning Departments in the affordance of places for play; Cultural services in the affordance of right to access arts and culture; Housing services to ensure a minimum standard of living.
- The guidance in **Point 94** with regard to collecting evidence is very welcome. We would like this section to give consideration to the diversity of views and experiences of children and young people when gathering their views. This should also take account of the age and maturity of the child or young person; their literacy or communication needs; and whether advocacy support is available to support children and young people to give their views.
- We believe that youth workers are well placed to be partners in facilitating the development of reporting plans, by gathering meaningful evidence and views from young people. We welcome the recognition of youth work processes in **Point 97** and would like to see youth work mentioned more explicitly as an example of how **Point 102** might be achieved.
- We would welcome support to public bodies to support base-lining and subsequent data measurement. This is essential for improvement and for evidencing value based experiences such as many of the articles give to children and young people.

**Qu. 3 Does the guidance make clear what the terms “secure better” and “give further effect” mean in the context of Part 1 (section 2) of the 2014 Act?**

The guidance does allude to the meaning of ‘secure better’ and ‘give further effect’ in **Point 117** – where the reader could interpret the meaning to be ‘progress’ and ‘improvement’. These are satisfactory terms with regard to the purpose of the plan and are explored further in the box setting out report structure and format. We think it is helpful where the following terms have also be introduced to aid interpretation: ambition, intent, monitoring, changes, and gaps. It would be our suggestion that this interpretation should appear earlier in the guidance and be made more prominent. They should be included in the frequently used terms at the outset of the document.

**Qu. 4 Is the relationship between 'rights' and 'wellbeing' clear?**

The distinction made between the relationship of rights and wellbeing is well explained in **Points 56 and 57**. It is important that those preparing reports are explicitly clear that wellbeing and rights are not one and the same. They do however interact. There are a number of terms used which we would prefer to be replaced with the single term “interaction” (for example ‘links’, ‘relationship’ ‘matches’) We have particular concerns with the use of the word ‘matches’ in **Point 58** – which suggests that rights and wellbeing could be interchangeable.

**What changes to the guidance do you suggest?**

We have significant concerns about the content of Appendix 3. We would suggest the following amendments to the Appendix. The starting point should be the Reporting Clusters which includes all the Articles. Currently Appendix 3 misses out some articles from the list, and duplicates other

articles which interact with more than one wellbeing indicator. It is also unlikely that public bodies will do as suggested in **Point 140**, therefore it is important that the appendix becomes a tool that can be used with confidence and consistency. Wellbeing must be the final organiser in the interaction, as rights as the fundamental for human dignity and wellbeing is the quality measure. It is important that the rights of the UN Convention are viewed as indivisible – the current format of Appendix 3 infers that this is possible.

We would suggest the following format (example):

<b>Cluster 7</b>	<b>Article</b>	<b>Wellbeing Indicators</b>
Education, Leisure and Culture	the right to education: Article 28; the goals of education: Article 29; children of minorities/indigenous groups: Article 30; leisure, play and culture: Article 31.	Achieving Achieving & Respected Respected Active, Respected, Safe

**Qu. 5 Is the description of the links between the duties under Part 1 (section 2) and Part 3 of the guidance clear and useful?**

The description and links connecting Part 1 and Part 3 are well established in this guidance.

**Qu.6 What other comments do you have on the Part 1 (section 2) guidance? Please cite specific parts of the guidance if relevant.**

### **Training and Professional Development**

YouthLink Scotland welcomes the inclusion of the Common Core as the lead document for training and development with regards to the guiding principles of the United Nations on the Convention on the Rights of the Child. However, it is a document which is not widely known about or familiar to the workforce so the Scottish Government must take additional action to promote and disseminate this tool.

It is also important that training and professional development is not only limited to the children’s services workforce – access to learning must also be available to elected members, strategic leaders, and cross department/service leads (e.g. planning, housing, culture, sport).

Reference should be made to the range of occupational standards, values and ethics which can interact with the United Nations Convention on the Rights of the Child. For example within Community Learning and Development our code of ethics includes equity (article 2), empowerment (article 3 and 12), duty of care (article 6).

There have been significant investments in the creation of learning materials of practitioners, children and young people – including those by UNICEF, Children and Young People’s Commissioner Scotland, and Education.

YouthLink Scotland has worked in partnership with Education Scotland for the past 12 months to redevelop the Recognising and Realising Child Rights Resource for youth workers. It would be appreciated to have this resource and the original resource for adults working with children and young people to be referenced appropriately in the guidance.

A short executive summary of the guidance – particularly the reporting process and requirements would be beneficial so that all those in public bodies can have a minimal level of awareness of their responsibilities to UNCRC reporting under the powers of the Act.

### **Quality of Participation and Engagement**

We welcome the inclusion in the guidance for public bodies to create opportunities for children and young people to be involved in scrutinising the findings of the Children’s Rights Report. We would suggest that the guidance includes suggested examples of what the scrutiny process might involve and who could meaningfully facilitate that process. We do have reservations that if the Rights Reporting is incorporated in to another Plan (such as the Children’s Services Plan) then this opportunity for scrutiny may not be available to children and young people. The guidance recognises scrutiny as part of an evaluative process, but it would be of value to the guidance to give consideration as to how children and young people can hold the public body to account or to challenge the report contents.

We welcome the intention of **Point 119**, but would like the guidance to be more ambitious and to give consideration of how Child Rights Reports can be child and young person friendly by default. If children and young people are involved in the creation of reports it is important that they have access to the plans and its development process at all stages.

We welcome the inclusion of Appendix 4 – and believe that this section would also be very beneficial to be included in the Guidance on Part 3. We are delighted to be included in the list of contacts for further information – but we would suggest that perhaps each organisation could provide a very short summary of their specialisms/expertise - otherwise the list may not be very useful to those coming across the organisations for the first time.

## **PART 3 – CHILDREN’S SERVICES PLANNING**

### **Qu. 1 Is the guidance sufficiently clear about the purpose and objectives of Part 3?**

In general the guidance provides an appropriate level of detail regarding the purpose and objectives of Part 3. It allows for a degree of flexibility for how local areas may approach the development and publication of their Children’s Services Plan. We are however most concerned with regard to the place of child rights within this plan, and the contribution of children, young people and their families in the process of developing and monitoring Children’s Services Plans.

#### **How could this be improved?**

- We would however like to see greater incorporation of the views and experiences of children, young people and their families in the development of plans. For example in **Point 25 (ii and iii)** this should include early engagement and participation of children and young people. **Point 25 (vi)** this should include children, young people and their families in monitoring, evaluating and scrutinising their experience of the plan’s implementation.
- There could be increased attention given to Child Rights within the Part 3 guidance. It is important that Part 1 of the Children and Young People (Scotland) Act 2014 does not sit in isolation, but rather that child rights permeate the thinking, approach and implementation of all parts of the Act. Part 1 guidance provides details of how Child Rights Reporting could be incorporated in to the duties of Part 3, we do not feel that this commitment is adequately reciprocated in the Part 3 Guidance.

### **Qu. 2 Is the guidance clear about the roles and responsibilities of different public agencies with respect to Part 3 duties?**

The guidance sets out various different roles and responsibilities for public agencies and partners in the development of the plan, providing information, engaging in consultation etc. It would be very beneficial to this guidance to have a list of the public agencies and named partners (Third Sector and ALEOs) and what specific roles and responsibilities they have for each stage of the Plan process. This could be added as an Appendix.

### **Qu. 3 With respect to the duty on local authorities and relevant health boards to consult in preparation of a Children’s Services Plan, is the guidance clear about the process which should be undertaken?**

In general we support the guidance regarding the process of developing the Children’s Services Plan. We have however included our suggestions for improving the guidance.

#### **How could this be improved?**

- We are concerned however that the guidance is not future proofed as beyond the first year, step 1 to review the Integrated Children’s Services Plan will become obsolete, and rather the review should be undertaken of the most recent plan.

- For ease of use and reference, the guidance would be enhanced with an appendix including a visual diagram or flowchart of the development process which should be undertaken.
- In Step 3 (Page 17) – we believe it should be more explicit in mention consultation with children, young people and families (in addition to organisations which represent their interest).
- We have concerns that the guidance falls short with regards to the meaningful participation of children and young people in the development stages of Children’s Services Plans. It would be a missed opportunity to only seek the comments of children and young people after a draft plan has been produced.
- In **Point 67** the description of 'feedback from service users' is a much lesser level of engagement than the scrutiny that is on offer to children, young people and their families in Child Rights Reporting.
- We would also like consideration to be given to the time frames and resources required for meaningful involvement of the organisations set out in **Point 85**. Reasonable costs should be met for children and young people to participate and engage. We would welcome the inclusion of youth organisations in the examples given in **Point 86**.
- We believe that community learning and development professionals within each local authority area are well placed to facilitate quality community engagement opportunities, and would urge that their role is highlighted within **Point 91**.
- We support the rationale in **Point 107** regarding summary and accessible versions of the plan, we would however urge that the development process and draft plans are also accessible to ensure that children, young people and families can engage.

**Qu. 4 Is the guidance sufficiently clear about what “information, advice and assistance” is in the context of preparing a Children's Services Plan?**

We believe that this guidance is clear but it would be beneficial to include specific mention of ALEO’s and third sector providers of children’s services within the responsibilities for ‘duty of assistance.’

**Qu. 5 Is the guidance sufficiently clear about what a “reasonable request” is in the context of preparing and implementing a children's services plan?**

We believe this section is sufficiently clear, and in particular welcome that independent organisations receiving no public funds should not and cannot be compelled to provide data. Support and resources must be made available when commissioning Third Sector organisations to ensure that they have adequate resource, skills, systems and capacity to gather information which may be required to monitor the effectiveness of the plan. It is also important to recognise the limitation that small third sector organisations may have in their resources to provide data by comparison to large national third sector organisations which have infrastructure in place for this purpose. Data or evidence must be used for the purpose of improvement and not as a performance measure of commissioned third sector services – this should sit as a separate process.

**Qu.6 Is the description of the links between the duties under Part 3 of the guidance and other statutory and non-statutory planning requirements clear and useful?**

The connectivity of the Children's Services Plan to other planning requirements is adequately described in the Guidance. We particularly welcome the use of Figure 1 to give a visual representation – however this could be enhanced to include those which are non-statutory, in particular the Child Rights Reporting. The section (**Points 179-183**) should be considered earlier in the document and should include citation to the Part 1 Guidance.

Corporate Parenting plans will cover a wider age range of young people than the Children's Services Plan is required to do so. We would welcome the publication of Children's Services Plans to include services for looked after and care experienced young people up to age 26 to be part of the plan.

**Qu.7 What other comments do you have on the Part 3 guidance? Please cite specific parts of the guidance if relevant.**

### **Defining Children's Services / Related Services**

The definitions provided in the section beginning **Point 40** would be better served to be more consistent with the definitions provided in **Points 30 and 31**. It is also of interest to note that the title of the section is 'relevant' service, but the definition is provided for a 'related service'.

We would like in **Point 31**, that the language of youth groups be formalised to say youth work and youth services. We are concerned that leisure is considered to be a related service in **Point 32**, but it is a key service in the delivery of Article 31 of the UNCRC and for the delivery of healthy and active as wellbeing indicators. Youth employment services, and children and young people's advocacy services should also be considered within the examples given across these two points.

In **Point 34** we are concerned that the definition of 'other service provider' does not, but should include services delivered by the Third Sector under commission by the local authority, or those services provided by an ALEO's - despite this then being clarified in **Point 41**.

### **Community Learning and Development Plans (Page 91)**

Please add to 'Other organisations and persons to be involved at certain stages' – this should include representatives of target individuals and groups - this is service users and they should be involved and consulted in the process of creating CLD plans. Additionally the aim of the plan is set out in the Statutory Instrument:

- "a) how the education authority will co-ordinate its provision of community learning and development with other persons that provide community learning and development within the area of the education authority;
- (b) what action the education authority will take to provide community learning and development over the period of the plan;
- (c) what action other persons intend to take to provide community learning and development within the area of the education authority over the period of the plan; and
- (d) any needs for community learning and development that will not be met within the period of the plan."

This is not referenced in the summary on Page 91.

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